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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.1385 of 2010

Ramasmi (died)

1. Selvam

2. Elavarasan

... Appellants

Vs.

1. M.Sivaramakrishnan

S.Karuppain (died)

2. Dr.Mathiyalagan (Deceased)

3. Maniyarasu (Deceased)

4. Tamilarasu

5. Bala

6. Vasanthi

7. Sivaprakash

8. Viduthalai priya

[Respondent Nos.6 to 8 brought on record as legal heirs of the deceased R3 vide order of court dated 30.01.2018 made in CMP.No.13169 to 13171 of 2016 in S.A.No.1385 of 2010 (MGRJ)]

9. Dr.A.Gandhimathi

10. Dr.M.Arulmadhi Kannan

11. Dr.M.Appumathiroharasan

... Respondents

[Respondent Nos.9 to 11 brought on record as legal heirs of the deceased R2 vide order of court dated 30.01.2018 made in CMP.No.17313 of 2017 in S.A.No.1385 of 2010 (MDIJ)]



**Prayer :** This Second Appeal filed under Section 100 of CPC against the judgment and decree made in A.S.No.99 of 2002 on the file of the Court of Additional District Judge, Fast Track Court, Ariyalur dated 13.09.2007 confirming the Judgment and Decree made in O.S.No.155 of 1992 dated 31.10.1995 on the file of the Court of District Munsif, Jayamkondam.

For Appellants : Mr.P.S.Gnana Sambandham  
for M/s P.Srividhya  
For Respondent No.1 : Mr.Shanmugavel  
for Mr.J.R.K.Bhavanantham  
For Respondent  
Nos.4 to 11 : No appearance.

### **JUDGMENT**

The suit filed by the plaintiffs for permanent injunction as cultivating tenant was dismissed. Appeal filed by them was also dismissed. Against concurrent finding this second appeal has been filed on the ground of res-judicata, in view of the decree already passed on 14.12.1988 in a suit filed by the defendants in O.S.No.251 of 1984.

2. In the appeal, first respondent died on 06.06.2023 and this Court granted time to the appellants to take steps to substitute the legal heirs. Again the case was listed on 02.02.2024 and 22.02.2024 and the appellants sought time to substitute the legal heirs.



3. Even today when the matter is listed for hearing, the appellant has not taken any steps. There is no purpose in keeping the appeal pending. Hence, the Second Appeal stands dismissed as abated. No costs.

05.03.2024

Index : Yes/No

Internet : Yes/No

adl

To

1. Additional District Judge,  
Fast Track Court, Ariyalur.
2. District Munsif Court,  
Jayamkondam.



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**G.ARULMURUGAN, J**

adl

S.A.No.1385 of 2010

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