



WEB COPY

S.A. No.69



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

**S.A. No. 694 of 2011
and M.P. No. 1 of 2011**

1. R. Sundararajan
2. M. Kumaresan ... Plaintiffs 2&3/ Appellants 2&3/ Appellants

Vs.

1. M. Dhanapal
2. M. Manickavasagam
3. P. Meyyappan
4. Janakiraman
5. V.K. Kuppusamy
6. N.M. Kanakavel
7. M. Arulprakasam
8. S. Bhaskar
9. N. Karuppusamy
10. R. Devaraj
11. N. Duraisamy
12. M. Dhandapani
13. D. Ramasamy
14. Paalaniammal
15. Kasthuri
16. R. Manokar
17. Kanagam
18. R. Vadivel ... Defendants 1-12 & Nil/ Respondents 1 to 12 and 14 to 18/ Respondents

(Respondents 13 to 18 remained exparte in the Court below. Hence notice may be dispensed with)



Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 28.07.2010 made in A.S. No.78 of 2008 on the file of the Court of Additional District Judge cum Fast Tract Court-I, Erode confirming the Judgment and Decree dated 27.07.2006 made in O.S. No.776 of 2004 on the file of the Court of the I Additional District Munsif, Erode.

For Appellants : M/s. S. Viswanathan
For RR 1 to 4, 6, 10 & 11 : No Appearance
For RR 5, 7 to 9 & 12 : M/s. A. Sriram
For RR 13 -18 : Notice Dispensed With

JUDGMENT

In the earlier hearing date, the learned counsel appearing for appellants reported that the second appellant/ M. Kumaresan was died and he was unable to contact the first appellant/ R. Sundararajan and he reported 'no instructions', thereby, this Court vide earlier order dated 29.08.2024 directed the Registry to issue notice to the first appellant.

2. When the matter is taken up for hearing today, the notice served on the first appellant/ R. Sundararajan is returned, as the first appellant was also



died. On verification of the record, no Legal Representatives of the deceased appellants have approached this Court and no petitions for setting aside the abatement caused due to the death of the appellants were filed.

3. Considering that appellants in this second appeal were died and no steps have been taken to set aside the abatement caused due to the death of appellants, this Court is inclined to dismiss this second appeal, as abated.

4. Accordingly, this Second Appeal is dismissed as abated. Consequently, connected miscellaneous petition stands closed. No costs.

30.09.2024

stn

Index:Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

To:

1. The Section Officer,
VR Section,
High Court,
Madras.



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K. RAJASEKAR, J.

stn

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