



S.A.No.89 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

S.A.No.89 of 2011

Marimuthu Achari

...Defendant / Appellant /
Appellant

-Vs-

Gengaiammal

...Plaintiff / Respondent
Respondent

Prayer:- Second Appeal preferred under Section 100 of CPC, against the judgment and decree dated 23.01.2009 in A.S.No.115 of 2006 on the file of the learned Sub Court, Kallakurichi, confirmed the judgment and decree in dated 24.07.2006 made in O.S.No.1205 of 2004 on the file of the learned Additional District Munsif Court, Kallakurichi.

For Appellant : Mr.P.Srinivasan

For Respondent : M/s.C.B.Kavitha

J U D G M E N T

Learned counsel for the appellant submits that the appellant is no more. Learned counsel for the respondent submits that the respondent is

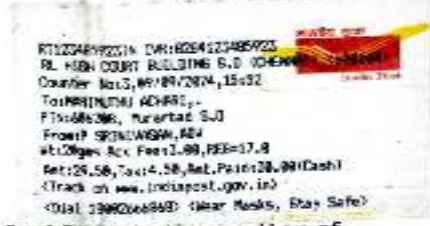
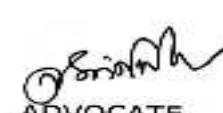


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also no more.

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2. A letter was sent by the learned counsel for the appellant on 09.09.2024, which was returned with an endorsement that the “appellant was deceased”, which reads as follows:

 P. SRINIVASAN GEETHA SRINIVASAN ADVOCATES	
CHAMBER: 248, NEW ADDL. LAW CHAMBER, HIGH COURT, CHENNAI - 600 104. OFFICE : (OLD # 53), NEW # 6, 9TH STREET, SAURASHTRA NAGAR, CHOLLAIMEDU, CHENNAI - 600 094, MOBILE : 9841116738	
To Marimuthu Achari S/o Manicka Achari Pillaiyar Koll Street, Chozhampattu Village Sankarapuram Taluk, Kallakurichi District, PINCODE -606 208.	Date: 09-09-2024  RT12248592214 CN:6264122485922 RL HIGH COURT BUILDING S.D. CHENNAI Counter No:3, 09/09/2024, 15:32 To: MARIMUTHU ACHARI, Pillaiyar Koll Street, Sankarapuram Taluk, Chozhampattu Village, Kallakurichi District, PINCODE -606 208. Ret: 25, 58, To: 4, 58, Ret. Paid: 28, 9910 Cash! (Track on www.indiapost.gov.in) (Dist. 13982066889: (Near Mails, Stay Safe)
Sir, Sub:- Clarification sought in S.A.No. 89 of 2011 in the matter of Marimuthu Achari -vs- Gengai Ammal - reg.	
1) Mr. Marimuthu Achari had filed the appeal in S.A.No. 89 of 2011, pending before the Hon'ble Madras High Court, Chennai. Today the said case came up before the Hon'ble Justice N. Senthilkumar J and it was adjourned by 2 weeks. Hence, kindly CLARIFY the following:- i) திரு. மாரிமுத்து ஆசாரி அவர்கள் நலமுடன் உள்ளாரா? ii) திருமதி கெங்கை அம்மன் உயிருடன் இருக்கின்றாரா? iii) மாரிமுத்து ஆசாரி மற்றும் திருமதி. கெங்கை அம்மன் அவர்களுக்கிடையேயான வழக்கு சம்பந்தமான பிரச்சனைக்கு தீர்வு காணப்பட்டதா? iv) இக்கடிதத்தை கண்டவுடன் என்னை நேரிலோ அல்லது கைபேசியிலோ உடனடியாக தொடர்பு கொள்ளுமாறு கேட்டுக் கொள்ளப்படுகிறீர்கள். "மிகவும் அவசரம்"	
2) If you fail to contact me in person or over phone, I will report 'No instructions' to the Hon'ble Court when the case is heard by the Hon'ble High Court, Chennai.	
 ADVOCATE	



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3. One of the legal representatives of the deceased appellant's son has contacted the learned counsel for the appellant and submitted that the suit scheduled property was sold after the settlement between the appellant and the respondent.

4. Learned counsel for the respondent submitted that there is no instruction as they are unable to contact the legal representatives of the deceased respondent.

5. The letter submitted by the learned counsel for the appellant shall form part of the record.

Recording the same, the **Second Appeal stands dismissed as abated**. No costs.

01.10.2024

cda

Index : Yes/No

Speaking/Non Speaking order



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N.SENTHILKUMAR, J.

cda

To

- 1.The Sub Court, Kallakurichi.
- 2.The Additional District Munsif Court, Kallakurichi.
- 3.The Section Officer, VR Records,
High Court, Chennai.

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