



S.A.No.1085 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.1085 of 2012
and M.P.No.1 of 2012

1.Kanagasabai
2.Kaliyamoorthy
3.Damodaran

...Appellants

Vs.

Arunaiyampathi

... Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree dated 16.08.2012 passed in A.S.No.10 of 2012 on the file of the learned Subordinate Judge, Panruti confirming the Judgment and Decree dated 05.03.2012 passed in O.S.No.138 of 2002 on the file of the learned District Munsif, Panruti.

For Appellants : Mr.A.Janesenan

For Respondents : Ms.R.Meenal



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J U D G M E N T

Learned counsel for the appellants and the respondent are present.

2.Learned counsel for the respondent submitted that all the three appellants in the appeal died in the year 2020 itself and the sole respondent in the appeal died in the year 2022.

3.Already this Court by order dated 22.12.2023 granted time to the appellants to take necessary steps to substitute the legal heirs. Again when the matter was listed on 23.01.2024, the matter was adjourned to 06.02.2024 giving final opportunity to the appellants to take necessary steps.

4.Even today when the matter is listed for hearing, the learned counsel for the appellants submitted that in spite of intimating the appellants, they were not turned up for taking necessary steps to substitute the legal heirs on record. When all the three appellants in the appeal died in the year 2020 and the sole respondent in the appeal died in the year 2022, the appeal as already abated in the year 2020 itself. There is no purpose in keeping the Second Appeal pending.



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5. Accordingly, the Second Appeal is dismissed as abated. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06.02.2024

Index : Yes / No
Speaking Order: Yes / No
Neutral Citation Case : Yes/No
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To

1. The Subordinate Judge, Panruti.
2. The District Munsif, Panruti.



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G.ARUL MURUGAN, J.

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