



S.A.No. 1248 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

S.A. No.1248 of 2012

and M.P.Nos.1 of 2012 & 1 of 2013

M.Nanjappan

... Appellant

Vs.

Poovathal @ Masammal

... Respondent

Second Appeal is filed under Section 100 of Civil Procedure Code, 1908, against judgment and decree dated 29.11.2011 made in A.S.No.35 of 2010 on the file of the First Additional Subordinate Judge's Court at Coimbatore confirming the judgment and decree dated 30.07.2009 made in O.S.No.2057/2006 on the file of the Principal District Munsif Court, Coimbatore.

For Appellant : Mr.S.Mukunth
for M/s.Sarvabhauman Associates

For Respondent : Mr.V.Nicholas



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JUDGMENT

The learned counsel for the respondent submitted that the respondent filed a memo stating that in pursuant to the judgment of the first appellate Court dismissing the first appeal on 29.11.2011, execution proceedings have been initiated in E.P.No.76 of 2012 and that has been fructified and the possession has also been taken up by the respondent. In such case nothing remains for any further consideration in this second appeal.

2. The learned counsel for the appellant submitted that the sole appellant died long ago and that the appeal itself has got abated.

3. In view of the above stated reasons and also taking into account the memo filed by the respondent, the Second Appeal is dismissed as abated. No costs. Connected miscellaneous petitions are closed.

12.11.2024

Index:Yes/No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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1. The I Additional Subordinate Judge

Coimbatore.

2. The Principal District Munsif,

Coimbatore.



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R.N.MANJULA, J.

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