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S.A.No.450 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE Mr. JUSTICE **G.ARUL MURUGAN**

S.A.Nos.450 & 451 of 2012
and M.P.No.1 of 2012

T.N.Gurusamy

...Appellants in both S.As

vs.

1.Rangasamy Gounder
2.Palanisamy
3.Kaliammal
4.Muthulakshmi
5.Kaliselvi
6.Mohaneswari
7.Radhika
8.Ambika

...Respondents in S.A.No.450 of 2012

1.Mohaneswari
2.Radhika
3.Ambika
4.Rangasamy Gounder
5.Kaliammal
6.Palanisamy
7.Kalaiselvi
8.Muthulakshmi
9.S.P.Thirumalai

...Respondents in S.A.No.451 of 2012

Prayer in S.A.No.450 of 2012:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated



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30.12.2011 in A.S.No.73 of 2011 passed by the Additional District Judge, Fast Track Court, Namakkal, modifying the judgment and decree dated 26.09.2008 in O.S.No.337 of 2004 passed by the District Munsif, Paramathi.

Prayer in S.A.No.451 of 2012: Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 26.02.2004 in A.S.No.74 of 2011 passed by the Additional District Judge, Fast Track Court, Namakkal, reversing the judgment and decree dated 26.09.2008 in O.S.No.345 of 2004 passed by the District Munsif, Paramathi.

For appellants in both S.As : Mr.S.M.S.Shriram Narayanan

For R3 & R6 in

S.A.No.450 of 2012 : Mr.S.Sathish Rajan

For R2, R4 & R8 in

S.A.No.450 of 2012 : Mr.S.Kadarkarai

For R1, R5, R7 & R9 : Died

For R1 to R8 in

S.A.No.451 of 2012 : Mr.S.Sathish Rajan

For R9 in S.A.No.451 of 2012 : No such address

J U D G M E N T

When these Second Appeals were listed on 19.01.2024, it was represented that the sole appellant in both the Second Appeals died and



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the respondents 1 and 5 in S.A.No.450 of 2012 also died. Therefore, the matter was adjourned to 19.02.2024 for taking necessary steps to substitute the legal heirs of the deceased.

2. When the matter was listed on 19.02.2024, no steps have been taken to substitute the legal heirs of the deceased sole appellant in both Second Appeals and respondents 1, 5, 7 and 9 in S.A.No.450 of 2012. Therefore, this Court recorded the same and one final opportunity was given to the learned counsel for the appellant to take necessary steps and posted the matter on 29.02.2024.

3. Even today, when the appeals were listed, no steps have been taken to substitute the legal heirs of the deceased sole appellant in both Second Appeals and respondents 1, 5, 7 and 9 in S.A.No.450 of 2012. It is evident that the appellant is not interested in prosecuting these Second Appeals. Hence, there is no purpose in keeping these Second Appeals pending.



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4. In view of the above, these Second Appeals are dismissed as abated. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

29.02.2024.

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
apd

To

1. The Additional District Judge, Fast Track Court, Namakkal.
2. The District Munsif, Paramathi.
3. The Section Officer, V.R.Section, High Court, Madras.



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G.ARUL MURUGAN,J

apd

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and M.P.No.1 of 2012

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