



WEB COPY

S.A. No.77



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

**S.A. No. 774 of 2012
and M.P. No. 1 of 2012**

Selvam

... Appellant/ Respondent/ Defendant

Vs.

1. Mrs. Rasambal (Deceased)

2. Mrs. Jothi

... Respondent/ Appellant/ Plaintiff

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree passed by the Hon'ble III Additional Subordinate Court, Cuddalore in A.S. No.103 of 2011 dated 26.04.2012 reversing the Judgment and Decree passed by the Hon'ble Addl. District Musif Court at Cuddalore in O.S.no.357 of 2000 dated 29.07.2011.

For Appellant : No Appearance

For Respondents : M/s. R. Meenal



JUDGMENT

This Court in earlier occasion had directed the appellant to take steps to implead the Legal Heirs of the deceased 2nd respondent, if not, further orders will be passed.

2. Today, when the matter is taken up for hearing, there was no representation on behalf the appellant and also no steps have also been taken, to implead the legal heirs of the deceased 2nd respondent.

3. Considering the nature of issue involved in this matter and since no steps have been taken and no petitions were filed to set aside the abatement caused due to the death of the 2nd respondent, this Court is inclined to dismiss this second appeal for not taking steps to implead the legal heirs of the deceased 2nd respondent.

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

18.09.2024

stn

Index: Yes/No

Speaking Order : Yes/No



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Neutral Citation Case : Yes/No

To:

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

K. RAJASEKAR, J.



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