



S.A.(MD)Nos.278 and 279 of 2009

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE **S.SOUNTHAR**

S.A.(MD)Nos.278 and 279 of 2009 and
M.P(MD)No.1 3 of 2009

S.A(MD)No.278 of 2009:-

Abraham

...Appellant

-Vs-

1.Mariadhas (Died)
2.Renjitham
3.Muthatchi
4.Vincent
5.Erose
6.Sumathi

... Respondents

(R3 to R6 were brought on record as legal representatives of the deceased first respondent vide order, dated 25.02.2023 in M.P(MD)Nos.1 to 3 of 2012.)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree, dated 30.10.2006 passed in A.S.No.52 of 2004 by the learned Subordinate Judge, Kuzhithurai, reversing the judgment and decree in O.S.No.472 of 1994, dated 24.06.2004 passed by the II Additional District Munsif, Kuzhithurai.



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S.A.(MD)Nos.278 and 279 of 2009

For Appellant : Mr.P.Thiagarajan
R1 : Died
For R2 :No Appearance
For R3 to R6 :Mr.C.Raja Kumar

S.A(MD)No.279 of 2009:-

Ronickkammal

...Appellant

-Vs-

1.Mariadhas (Died)
2.Innocent
3.Abraham
4.Muthatchi
5.Vincent
6.Enose
7.Sumathi

... Respondents

(R4 to R7 were brought on record as legal representatives of the deceased first respondent vide order, dated 25.02.2023 in M.P(MD)Nos.1 to 3 of 2012.)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree, dated 30.10.2006 passed in A.S.No.60 of 2004 by the learned Subordinate Judge, Kuzhithurai, reversing the judgment and decree in O.S.No.597 of 1994, dated 24.06.2004 passed by the II Additional District Munsif, Kuzhithurai.



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For Appellant : Mrs.J.Anandhavalli
R1 :Died
For R2 : Mr.T.Antony Arulraj
For R3 :Mr.B.Christoper
For R4 to R7 :Mr.C.Rajkumar

COMMON JUDGMENT

When the matter is taken up for hearing, the learned Counsel appearing for the appellant in both the Second Appeals submitted that the letter written to the sole appellant was returned with an endorsement “deceased”.

2.Since the legal representatives of the deceased sole appellant failed to come forward to file an application to bring them on record, the Second Appeals are dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
cmr



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To

- 1.The Subordinate Judge, Kuzhithurai.
- 2.The II Additional District Munsif, Kuzhithurai.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A.(MD)Nos.278 and 279 of 2009

S.SOUNTHAR, J.

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