



S.A(MD)No.520 of 2008

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2024**

CORAM

THE HON'BLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.520 of 2008

and

M.P(MD)No.1 of 2008

L.Francis Xavier

... Appellant/2nd Respondent
2nd Plaintiff

Vs.

1.A.Irudayaraj

... Respondent/Appellant
1st Defendant

2.Charless

3.Berkmans

4.Joseph

5.Emile

6.Celin

7.Nirmala

... Respondents/
Legal heirs of the deceased First
plaintiff

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to allow the appeal reversing the decree and judgment, dated 24.04.2007 in A.S.No.228 of 2001 on the file of the learned



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District Judge, Tiruchirapalli which set aside the decree and judgment, dated 06.07.2001 by the learned Principal District Munsif, Tiruchirapalli in O.S.No.544 of 1997.

For Appellant : Mr.S.K.Mani
For R-1 : Mr.K.K.Senthil
For R-2 & R-4 to
R-7 : No appearance
R-3 : Died

JUDGMENT

It is seen from the records, C.M.P(MD)Nos.1938, 1940 and 1942 of 2023 filed to condone the delay, set aside the abatement and to bring on record the legal representatives of deceased sole appellant was dismissed as not pressed by an order, dated 23.06.2023. The learned Counsel, who originally entered appearance for sole appellant submits the matter has been settled between the parties even during the lifetime of appellant. Therefore, the LR petitions were dismissed as not pressed.

2. In view of the dismissal of the LR petitions as early as on 23.06.2023 itself, the second appeal stands dismissed as abated. There



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shall be no order as to costs. Consequently, connected Miscellaneous
Petition stands closed.

26.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

***Note: Registry is directed to send
back the records to the Courts below
forthwith.***

To

- 1.The District Judge,
Tiruchirapalli.
- 2.The Principal District Munsif,
Tiruchirapalli.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

BTR

Judgment made in
S.A(MD)No.520 of 2008

Dated:
26.06.2024