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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A.(MD).No.386 of 2011
and
M.P.(MD)No.2 of 2011

Eswarathammal

... Appellant

/Vs./

1.Rukmaniammal

2.Krishnan

3.Valliammal

4.Madakkannuammal

5.Thayammal

6.Vetrivel Pillai

7.Trustee A/M.Annathana Vinayagar Kovil Temple,
86, Annathana Vinayagar Kovil Street,
Pettai,
Tirunelveli-4.

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.85 of 2009 dated 21.04.2010 on the file of the Additional Subordinate Judge, confirming the judgment and decree passed in O.S.No.661 of 2006, dated 28.10.2009 on the file of the Principal District Munsif Court, Tirunelveli.



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Sole Appellant	: Died
For R-1 & R-6	: Died
For R-2 & R-5	: Mr.D.Nallathambi
For R-3, R-4 & R-7	: No Appearance

JUDGMENT

This Second Appeal is filed against the judgment and decree passed in A.S.No.85 of 2009 dated 21.04.2010 on the file of the Additional Subordinate Judge, confirming the judgment and decree passed in O.S.No.661 of 2006, dated 28.10.2009 on the file of the Principal District Munsif Court, Tirunelveli.

2. When the case was taken up for hearing on 20.09.2024, the Learned Counsel appearing for the appellant submitted that the sole appellant died and her legal heirs have not come forward to contest the case. He further submitted that R-1 & R-6 also died. Therefore, this Court was posted for dismissal today, i.e., on 03.10.2024. The Legal heirs are not turned up to contest the case. The said submission is recorded.



3. Accordingly, this Second Appeal stands dismissed. Liberty is granted to reopen the case, if the legal heirs are willing to contest the case. No Costs. Consequently, connected civil miscellaneous petition is also closed.

03.10.2024

Index : Yes / No
NCC : Yes / No

KSA

TO:

1. The Additional Subordinate Judge, Tirunelveli,
2. The Principal District Munsif Court, Tirunelveli.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Judgment made in
S.A.(MD)No.386 of 2011

Dated:
03.10.2024