



S.A.(MD) No.267 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

S.A. (MD) No.267 of 2013

and

M.P.(MD) No.1 of 2013

Karuthasamy (died)

- 1.Elammal
- 2.Chidambaram
- 3.Kaliammal
- 4.Lakshmi
- 5.Periyasamy
- 6.Sonaimuthu

... Appellants

-vs-

Sevugan

... Respondent

PRAYER: Second Appeal is filed under Section 100 of C.P.C. against the judgment and decree, dated 05.09.2012, passed in A.S.No.5 of 2012 on the file of Sub-Court, Devakottai, reversing the judgment and decree, dated 29.02.2012, passed in O.S.No.124 of 2006 on the file of District Munsif Court, Devakottai.

For Appellants : No appearance

For Respondent : Mr.R.Sundar Srinivasan



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JUDGMENT

Learned counsel for the appellants had filed a Memo, dated 05.06.2018, reporting no instructions and, therefore, notice was ordered to the appellants on 13.06.2018.

2. It is seen from the notice papers that though notice to appellants 1, 2 and 6 has been served, none appears and notice sent to appellants 3 and 4 is returned with an endorsement "gone away". It is also seen that second and fifth appellants have died and steps are due. It is, therefore, inferred that the appellants are not interested in prosecuting the Appeal.

3. Learned counsel for the respondent submits that the sole respondent also died and steps have not been taken.

4. As steps have not been taken to implead the legal representatives of the sole respondent, the appeal stands abated. Therefore, this Second Appeal is disposed of, as abated. No costs. Consequently, the connected M.P. (MD) No.1 of 2013 is closed.

24.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.Subordinate Judge,
Devakottai.
- 2.District Munsif,
Devakottai.
- 3.Section Officer,
V.R. Section,
Madurai Bench of Madras High Court.



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