



S.A.(MD)No.1073 of 2006

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.(MD)No.1073 of 2006 &
M.P.(MD)No.1 of 2006

1.Irulayammal

2.P.Ramu Devar

...Appellants

vs.

1.S.Akkarai Pondy

2.Kasthuri Rengasamy

3.Kandasamy

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 26.06.2006 in A.S.No. 61 of 2004 on the file of the Principal Sub Judge, Dindigul reversing the Judgment and Decree dated 08.08.2003 in O.S.No.46 of 2002 on the file of the Principal District Munsif Court, Dindigul.

For Appellants : Mr.J.Lawrance

For Respondents : Mr.D.Venkatesh for R1
Mr.M.Suresh for R3
No appearance for R2



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JUDGMENT

When the matter was taken up for hearing on 21.09.2023, it was reported before this Court that both the appellants have passed away long before. Since, the learned counsel for the appellants sought time to verify the same, the matter was adjourned to 26.09.2023.

2. Today, the learned counsel appearing for the appellants would submit that he is unable to contact the legal heirs of the appellants. However, the lower Court counsel informed him that the second appellant is alive.

3. *Per contra*, the learned counsel appearing for the first respondent / plaintiff after due instructions from his client would submit that both the appellants have passed away and that the second appellant has passed away as early as in the year 2014 itself.

4. By recording the submissions of the learned counsel for the first respondent / plaintiff, this Second Appeal is dismissed as abated, since



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no steps have been taken to bring on record the legal representatives of the deceased appellants. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.09.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

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



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KRISHNAN RAMASAMY, J.

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