



S.A(MDNo.204 of 2006

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.204 of 2006

Ramakrishnan

...Appellant

-Vs-

1.Andichamy

2.Andi

... Respondents

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 20.06.2005 in A.S.No.3 of 2001 on the file of the Third Additional Subordinate Judge, Madurai, confirming the judgment and decree dated 30.06.2000 in O.S.No.70 of 1997 on the file of the Distric Munsif, Melur.

For Appellant : Mr.C.T.Murugappan

For R2 : Mrs.J.Balameenakshi

JUDGMENT

It is seen from the records that the death of first respondent was reported



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to this Court as early as on 25.01.2023 and the appellant had taken time to take steps to bring on record the legal representatives of the deceased first respondent. Till date, no steps have been taken to bring on record the legal representatives of the deceased first respondent. Therefore, this Second Appeal stands abated as against the first respondent.

2. It is also seen from the records that the suit is one for declaration of title and recovery of possession. The Courts below found that the appellant/plaintiff failed to prove his title over the suit property and hence, dismissed the suit. The said finding of the Courts below has become final as far as the first respondent is concerned in view of the abatement of the second appeal. In such circumstances, the appellant is not entitled to proceed further with the second respondent, as the decree passed by the Courts below is inseparable. Accordingly, this Second Appeal is dismissed. No costs.

16.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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S.SOUNTHAR, J.

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