



S.A(MD).No.394 of 2006

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD).No.394 of 2006

Venkatachalam Chettiar

... Plaintiff/Respondent/
Appellant

.VS.

1.S.Balasubramanian
2.Marimuthu Ambalam

... Defendants/Appellants/
Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment, dated 23.03.2005 in A.S.No.20 of 2004, on the file of the Sub Court, Periyakulam reversing the decree and judgment of the District Munsif, Periyakulam made in O.S.No.170 of 1995, dated 03.11.2003.

For Appellant : Mr.R.Sridharan

For Respondents : Mr.R.A.Mohanram



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J U D G M E N T

When the matter came up for hearing on 09.08.2024, there was no representation for the appellant. Therefore, the appeal was directed to be listed today (12.08.2024) under the caption 'for dismissal'.

2. Today, when the matter is taken up, the learned counsel appearing for the appellant would submit that sole appellant died and in spite of taking efforts, he is not in a position to get proper instructions. This Court is not unable to accept the plea made by the learned counsel for the appellant.

3. Accordingly, this second appeal is dismissed as abated. No costs.

Index : Yes / No

Speaking Order : Yes / No
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12.08.2024

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To

- 1.The Sub Court,
Periyakulam.
- 2.The District Munsif,
Periyakulam.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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