



SA.(MD)No.535 of 2006

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

SA.(MD)No.535 of 2006

R. Alagarsamy

... Appellant

Vs.

1. Ramasamy Reddiar (Died)
2. Subbharaj
3. Gopalakrishnan
4. Radhakrishnan
5. Saroja
6. Gurulakshmi
7. Sathiabama
8. Rajammal
9. Seenithai
10. Navaneetha Krishnan

(R5 to R10 are brought on record as LR's of
the deceased R1 vide order Dated
07.04.10 & made in M.P.(MD)no.1/2009
in Sa(MD). No.535/2006).

... Respondents

PRAYER : Second Appeal filed under Section 100 Cr.P.C., against the judgment and decree passed in A.S.No.40 of 2004 dated 09.12.2005 on the file of the Sub Judge, Aruppukottai, reversing the judgment and decree passed in O.S.No.155 of 1996 dated 24.09.2004 on the file of the District Munsif, Aruppukottai.

For Appellant

: No appearance

For Respondents

: Mr.S.Parthasarathy for R2 to 10



SA.(MD)No.535 of 2006

WEB COPY

JUDGMENT

This second appeal has been filed against the judgment and decree passed in A.S.No.40 of 2004 dated 09.12.2005 on the file of the Sub Judge, Aruppukottai, reversing the judgment and decree passed in O.S.No.155 of 1996 dated 24.09.2004 on the file of the District Munsif, Aruppukottai.

2. When the matter came up for hearing, there was no representation for the appellant. The learned counsel for the respondents 2 to 10 submitted that the sole appellant died in the year 2011 and further submitted that the third respondent died on 03.01.2016. He has also filed a memo to that effect.

3. Steps have not been taken within the period of limitation, to implead the LR's of the sole appellant. Hence, this second appeal is dismissed as abated. No costs.

26.11.2024

NCC : Yes / No
Internet : Yes / No
LS



SA.(MD)No.535 of 2006

WEB COPY

To

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



WEB COPY



SA.(MD)No.535 of 2006

V.SIVAGNANAM,J.

LS

SA.(MD)No.535 of 2006

26.11.2024