



S.A(MD).No.507 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD).No.507 of 2005

Ganapathy Thevar

... Appellant

.VS.

1.Pottalkannu Thevar

2.Paramasivan

3.Ramachandran

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.17 of 2004, on the file of the Sub-Court (Appellate Court), Tuticorin, dated 07.03.2005 confirming the judgment and decree passed in O.S.No.402 of 2002, on the file of the District Munsif Court, Srivaiguntam, dated 11.12.2003.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.D.Nallathambi



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J U D G M E N T

When the matter is taken up for hearing today, the learned counsel appearing for the respondents would submit that the sole appellant namely Ganapathy Thevar died nearly two years before leaving behind his wife, one daughter and four sons. They are not exactly aware about the name and particulars of the legal representatives of the deceased appellant. He further submitted that the first respondent also died on 19.05.2021 and one of his legal heirs namely Paramasivan/2nd respondent was already on record and hence, the appeal may be dismissed as abated.

2. The learned counsel for the respondents also filed a memo to that effect. The said memo is recorded.



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3. In view of the above, this second appeal is dismissed as abated.

No costs.

Index : Yes / No

Speaking Order : Yes / No

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To

1.The Sub-Court,

Tuticorin.

2.The District Munsif Court,

Srivaiguntam

3. The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.



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