



A.S.(MD)No.64 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

A.S.(MD)No.64 of 2019
and
C.M.P.(MD)Nos.88 & 90 of 2023

Lalith Mehta

...Appellant

vs.

1.A.R.Usha
2.A.R.Vignesh
3.A.K.Mohan
4.A.K.Chandru
5.Jwala Amarnath
6.A.A.Chitra
7.A.A.Shella
8.A.A.Nagarajan
9.A.A.Ganga
10.A.A.Radika
11.Salaja Venkatachalapathy
12.Ashalatha Jeyachandran
13.S.Sarath
14.A.K.Padmini

... Respondents

Prayer: Appeal Suit filed under Section 96 of the Civil Procedure Code

praying to (a) call for the records and (b) to set aside the decree and



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Judgment passed in O.S.No.282/2004 on the file of IV Additional District Court at Madurai, dated 17.07.2017 as for as the findings given as against the appellant herein.

For Appellant : No appearance

For Respondents : Mr.J.Barathan for R5 & R8

No appearance for R1 to R4, R6,
R9, R10, R14

J U D G M E N T

(Judgment of the Court was delivered by P.VELMURUGAN, J.)

The sole appellant has passed away and the legal representatives have filed C.M.P.(MD)Nos.88 and 90 of 2023 to set aside the abatement caused due to the death of the sole appellant and to bring on record the petitioners / proposed appellants and the proposed 15th respondent therein as legal heirs of the deceased sole appellant.

2. When the Miscellaneous Petitions were taken up for hearing on 11.09.2024, the learned counsel who was on record for the petitioners / proposed appellants submitted that he has handed over the bundles to the parties. Hence, the Registry was directed to print the names of the



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petitioners / proposed appellants and list the matter on 20.09.2024.

However, on 20.09.2024, there was no representation on their behalf.

Hence, Registry was directed to list the matter under the caption 'for dismissal'.

3. Today, even though the matters are listed under the caption for dismissal, there is no representation for the petitioners / proposed appellants. Hence, the Miscellaneous Petitions are dismissed for non-prosecution.

4. As already stated, the sole appellant passed away and the Miscellaneous Petitions to implead the legal representatives is also dismissed for non-prosecution. Hence, the Second Appeal is also dismissed for non-prosecution. No costs.

(P.V., J.) (K.K.R.K., J.)
21.10.2024

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order
mbi



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To

- 1.The IV Additional District Court at Madurai.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

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