



S.A.(MD) No.747 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.(MD) No.747 of 2014

and

M.P.(MD) No.1 of 2014

S.Sankarapandian

... Appellant/Appellant/Plaintiff

Vs.

V.Varatha Desikatchariar

... Respondent/Respondent/
Defendant

Prayer: Appeal filed under Section100 of Civil Procedure Code to set aside the judgment and decree dated 17.03.2014 made in A.S.No.108 of 2011 on the file of the Additional Sub-Court, Tirunelveli, confirming the judgment and decree dated 17.06.2011 made in O.S.No.393 of 2009 on the file of the Principal District Munsif Court, Tirunelveli.

For Appellant : No appearance

For Respondent : Ms.M.Sudha Rani



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JUDGMENT

This Second Appeal has been filed by the appellant/plaintiff aggrieved by the concurrent findings recorded by the learned trial Court as well as by the learned lower appellate Court.

2. This matter earlier came up for consideration on 04.01.2024 and it was brought to the notice of this Court that the sole appellant died and steps are due. Hence, the matter was directed to be listed on 18.01.2024. When the matter was listed on 23.01.2024, no steps were taken to bring on record the legal representatives of the deceased sole appellant, nor there was any representation for the appellant. In order to afford one more opportunity, the matter was directed to be listed today under the caption 'for dismissal'. Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the appellant either in the pre-lunch session or during post-lunch session. Thus, it is clear that due to the death of the sole appellant, the appeal has already been abated. In the circumstances, this Court is left with no other option, except to dismiss the appeal as abated.



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3. Accordingly, this Second Appeal is dismissed as abated.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1.The Additional Sub-Judge,
Tirunelveli.

2.The Principal District Munsif,
Tirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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