



S.A(MD)No.219 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.07.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

S.A(MD)No.219 of 2015

and

M.P.(MD)No.1 of 2015

Sadasivam : 1st Defendant/1st Respondent/Appellant

Vs.

1.Seethalakshmi

2.Prema

: Plaintiffs/Appellants/Respondents

3.Ayyappan

: 2nd Defendant/2nd Respondent/
Respondent

Prayer : Second Appeal filed under Section 100 of C.P.C., against the judgment and decree, dated 28.11.2013 in A.S.No.75 of 2012 on the file of the I Additional Sub Court, Nagercoil, reversing the fair and decreetal order, dated 11.02.2012 made in O.S.No.157 of 1999 on the file of the Additional District Munsif, Eraniel.

For Appellant : No Appearance

For Respondents : Mr.N.Tamil Mani, for R1 and R2.

: No Appearance, for R3.



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JUDGMENT

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The second appeal is directed against the judgment and decree in A.S. No.75 of 2012 on the file of the I Additional Sub Court, Nagercoil, dated 28.11.2013 reversing the judgment and decree made in O.S.No.157 of 1999 on the file of the Additional District Munsif, Eraniel, dated 11.02.2012.

2. It is seen from the memo filed by the appellant that the case bundle was already handed over to the appellant side and he has withdrawn his vakalat. When the matter is taken up for hearing today (i.e.,29.07.2024), the learned counsel for the respondents 1 and 2 would submit that he has already filed a memo reporting the death of the sole appellant as well as the third respondent as early as on 19.04.2022.The said memo is recorded.

3. Though the sole appellant died in 2016 and the third respondent died in 2018, steps are not taken till now. Hence the second appeal is dismissed as abated. Consequently, connected Miscellaneous Petition is closed. No costs.

29.07.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/ No
das



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To

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



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K.MURALI SHANKAR,J.

DAS

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and
M.P.(MD)No.1 of 2015

Dated : 29.07.2024