



S.A.(MD)No.39 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

S.A.(MD)No.39 of 2017
and
C.M.P.(MD)No.954 of 2017

1. Louis
2. Maria Casper
3. John Peter
4. Mary
5. Gnanapushpam
6. Thiraviyam (Died)
7. Sebasthiammal

... Appellants

Vs.

1. Pilavendran
2. Pushparaj
3. T.Jayaselvi
4. T.Jerry Rehana
(R3 and R4 dismissed for default)

... Respondents



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(Respondents 3 and 4 are brought on record as LR's of the deceased 6th appellant vide Court order dated 01.11.2022 made in CMP(MD)No.2437 of 2018 in SA(MD)No.39 of 2017)

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree dated 02.11.2015 made in A.S.No.14 of 2008 on the file of the Subordinate Judge, Kulithalai partly reversing the judgment and decree dated 20.09.2007 made in O.S.No.497 of 2004 on the file of the District Munsif, Kulithalai.

For Appellants : Mr.K.Prabakar

For R1 : Mr.K.Govindarajan

JUDGMENT

The Second Appeal is directed against the judgment and decree passed in A.S.No.14 of 2008 dated 02.11.2015 on the file of the Subordinate Court, Kulithalai, partly reversing the judgment and decree made in O.S.No.497 of 2004 dated 20.09.2007 on the file of the District Munsif Court, Kulithalai.

2. It is seen from the records that since the appellants were not interested in taking steps for the deceased second respondent, this Court vide order dated 26.06.2024 has dismissed the Second Appeal as abated as against the second respondent.



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3. When the matter is taken up for hearing today, the learned counsel appearing for the appellants would submit that the appellants 1, 2 and 7 were also reported dead and though they have sent a letter to the appellants, they are not interested in prosecuting the appeal.

4. Recording the submission made by the learned counsel appearing for the appellants, the Second Appeal is dismissed as abated. Consequently, connected Miscellaneous Petition is closed. No costs.

30.07.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Subordinate Judge, Kulithalai.
2. The District Munsif, Kulithalai.
3. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Judgment made in
S.A.(MD)No.39 of 2017
and
C.M.P.(MD)No.954 of 2017

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