



SA.(MD)No.383 of 2004

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

SA.(MD)No.383 of 2004

Rajammal

... Appellant

Vs.

Malayae

... Respondent

PRAYER : Second Appeal filed under Section 100 Cr.P.C., against the judgment and decree made in A.S.No.218 of 1989 on the file of I Additional District Court, Madurai, dated 12.03.2004 in confirming the judgment and decree of the Madurai Taluk District Munsif Court, Madurai in O.S.No.621 of 1987 dated 12.09.1989.

For Appellant : Mr.S.Kadarkarai

For Respondent : Mr.T.M.Hariharan

JUDGMENT

This second appeal has been filed against the judgment and decree made in A.S.No.218 of 1989 on the file of I Additional District Court, Madurai, dated 12.03.2004 in confirming the judgment and decree of the Madurai Taluk District Munsif Court, Madurai in O.S.No.621 of 1987 dated 12.09.1989.



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2. When the matter came up for hearing today, it is noticed that the sole appellant died and the learned counsel for the appellant filed C.M.P. (MD)No.4059 of 2023, to condone the delay of 1597 days in filing the application to set aside the abatement caused due to the death of the sole appellant, which was considered by this Court on 25.04.2023 and allowed that application on payment of RS.50,000/- (Rupees Fifty Thousand only) towards costs and deposit before the Court within a period of three weeks and the order shall stand dismissed, if not complied with and post the matter on 02.06.2023 “for filing compliance report”

3. When the matter came up for hearing on 02.06.2023, order of this Court has not been complied with by the learned counsel for the appellant and this Court dismissed the Miscellaneous Petitions.

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

No costs.

NCC : Yes / No
Internet : Yes / No
LS

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To

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



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V.SIVAGNANAM,J.

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