



SA.No.1800 of 1996

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.1800 of 1996 and
CMP.No.17951 of 1996

1.Pitchamuthu
2.Kaliammal
3.Arumugham

... Appellants

-VS-

1.R.Sivagnana Mudhaliar
2.Pappathi Ammal
3.M.Subramaniam

... Respondents

(No relief claimed as against the respondents 2 and 3
since they are ex parte in all the courts and hence, they were given up)

PRAYER: The Second Appeal is filed under Section 100 C.P.C to set aside the decree and Judgment in A.S.No.51 of 1992, dated 30.09.1994 on the file of the Subordinate Judges Court, Kumbakonam confirming the decree and Judgment of the District Munsif Court, Valingaiman at Kumbakonam passed in O.S.No.612 of 1988, dated 24.07.1992.



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For Appellants : Mr. V.K. Vijaya Raghavan

For Respondents : No appearance

JUDGMENT

The Second Appeal has been filed against the decree and Judgment in A.S.No.51 of 1992, dated 30.09.1994 on the file of the Subordinate Judges Court, Kumbakonam confirming the decree and Judgment of the District Munsif Court, Valingaiman at Kumbakonam passed in O.S.No.612 of 1988, dated 24.07.1992.

2. From the perusal of the records it is noticed that the respondents 1 and 2 are no more and no relief is claimed as against the 3rd respondent. The appellants filed different applications to bring on record the Legal Representatives of the deceased respondents 1 and 2 along with applications to condone the delay in filing such application and also to set aside the abatement caused consequent upon the death of the respondents 1 and 2 and the said applications in CMP(MD).Nos.18807 and 692 of 2023 were allowed by this Court on 07.06.2023 subject to the payment of cost of Rs.25,000/- and Rs.10,000/- respectively in respect of the respondents 1



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and 2. Further, the said condition was not complied with by the appellants and the applications filed seeking to reduce the cost imposed were also dismissed by this Court. Consequently, the abatement caused consequent upon the death of the respondents 1 and 2 had become final.

3. In the above circumstances, nothing survives for adjudication in this appeal and accordingly, this Second Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

02.01.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Subordinate Judges Court, Kumbakonam.
2. The District Munsif Court, Valingaiman at Kumbakonam



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