



SA.No.1841 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.1841 of 2002

A.Palaniammal

: Appellant

-VS-

1.S.Seethalakshmi

2.N.Chandrasekar

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and Decree made in A.S.No.110 of 2001 on the file of the Principal District Judge, Karur, dated 07.06.2002 by modifying the Judgment and decree made in O.S.No.134 of 1999, dated 16.10.2001 on the file of the Subordinate Judge, Kulithalai.

For Appellant : Mr. V.R.Shanmuganathan

For respondent No.1 : Mr.G. Vasudevan

JUDGMENT

It is represented by the learned counsel for the appellant that the sole appellant died long back. However, no steps have been taken as



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on date to bring on record Legal Representatives of the deceased sole appellant. He also further submitted that he has contacted his counter part in the lower Court and he has also stated that there are no Legal Representatives for the deceased sole appellant. In view of the same, the Second Appeal is already abated.

2. Further, from the perusal of the materials on records it is noticed that the appeal was already dismissed as against the respondent No.2, by order, dated 14.12.2023 and that order has become final. As the cause of action against the respondents 1 and 2 is common, the appeal cannot be continued against the first respondent alone. In view of the same, the Second Appeal is dismissed as abated. However, it is left open to the Legal Representatives if any of the appellant to file appropriate application seeking restoration of the Second Appeal if they are so advised. No costs.

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Internet : Yes / No

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To

1. Principal District Judge, Karur.
2. The Subordinate Judge, Kulithalai.



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MUMMINENI SUDHEER KUMAR. J.

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