



SA.No.2121 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.2121 of 2002

C. Swaminathan

: Appellant

-VS-

**Saint Antony's Church
Marneri, Mekalathur Post,
Thorough Via, Thanjavur Taluk
Thanjavur District.
rep. by its Parish Priest Catholic
Rev. Fr.Joseph Antonyraj**

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree, dated 14.03.2022 made in A.S.No.10 of 2002 on the file of the Court of the Principal District Judge, Thanjavur reversing the Judgment and Decree, dated 05.11.2001 made in O.S.No.90 of 2000 on the file of the Court of District Munsif, Thiruvaiyaru.

For Appellant : Ms.M. Parameswari

For respondent : No appearance



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JUDGMENT

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The sole appellant in this appeal died on 04.05.2013. However, the Legal Representatives are not brought on record within 90 days from the date of death of the sole appellant. Subsequently, the applications were filed in CMP(MD).Nos.3113, 3116 and 3118 of 2023 to condone the delay of 2654 days in filing an application seeking to set aside the abatement caused due to the death of the sole appellant. The said applications were allowed subject to the payment of cost of Rs.50,000/- by a learned Single Judge of this Court by order, dated 26.04.2023. As the said order was not complied by the petitioner in said applications, the said CMPs stood dismissed and accordingly, the same was taken note of by this Court on 02.06.2023. Thus, the abatement of the main appeal due to the death of the sole appellant has become final. In the circumstances, the same is taken note of and it is declared that the Second Appeal is dismissed as abated.

2. Accordingly, the Second Appeal is dismissed as abated. No costs.

01.02.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Principal District Judge, Thanjavur
2. The Court of District Munsif, Thiruvaiyaru.



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MUMMINENI SUDHEER KUMAR. J.

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