



SA.No.381 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.381 of 2002 and

MP(MD).Nos.1 and 2 of 2014

1.Aavudi Thevar (died)

2.Rajalakshmi

3.Chandra

4.Vijaya

5.Ponnaiah

6.Vasugi

7.Jeya

8.Anbalagan

9.Sumathi

(Appellants 2 to9 are brought on record as LR's of the deceased 1st appellant vide Court order, dated 07.09.2018 in CMP.No.6433/2018 in SA.381 of 2022)

Appellant

-VS-

1.Meyyappan

2.Mahmayee

3.S.T.Ramasami

4.Devi

5.Parimala

6.Premala @ Pappa

7.Indira

(respondents 4 to 7 are brought on record as LR's of the deceased 1st appellant vide Court order, dated 07.09.2018 in CMP.No.6433/2018 in SA.381 of 2022)

.. Respondents



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PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree of the learned Subordinate Judge, Pudukkottai, dated 22.12.1999 made in A.S.No.60 of 1983 reversing the Judgment and Decree of the learned District Munsif, Aranthangi, dated 16.11.1981 in O.S.No.121 of 1978.

For Appellants : Mr.R. Paranjothi

For Respondents : No appearance

JUDGMENT

This Second Appeal was already dismissed as against the first respondent as early as on 17.08.2011. The respondents 1 and 2 herein jointly filed first appeal before the lower Appellate Court and a decree was passed by the lower Appellate Court in their favour. Though the Second appeal was dismissed as against the first respondent as early as on 17.08.2011 no steps have been taken to set aside the said order, dated 17.08.2011 passed by this Court till date. Further, the 2nd respondent also died and this Court granted time on 05.10.2018 for taking steps to bring on record the LRs of the deceased 2nd respondent. But, so far no steps have been taken as against the second respondent. As against the 3rd respondent,



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the appellants have already given up and the same was taken note by this Court on 03.01.2024. As the dismissal of the Second Appeal as against the first respondent has become final and that the 2nd respondent is no more, the appeal is abated as against the 2nd respondent, nothing survives for adjudication in this appeal on merits.

2. In the circumstances, the Second Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

11.01.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Subordinate Judge, Pudukkottai,
2. The District Munsif, Aranthangi,



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MUMMINENI SUDHEER KUMAR. J.

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