



SA.No.1042 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1042 of 2003 and

CMP.No.8879 of 2004

1.Velan
2.Pichayee
3.Velan

: Appellants

-VS-

Vedachi

: Respondent

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and Decree, dated 25.07.2001 made in A.S.No.517 of 1999 on the file of the Sub-Judge, Trichy reversing the Judgment and Decree, dated 24.12.1997 made in O.S.No.249 of 1992 on the file of the District Munsif Court, Musiri.

For Appellants

:

Mr.S.Vijayan

For respondent

:

Mr.K. Govindaraja



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JUDGMENT

This matter was earlier came up for consideration on 24.01.2024 as there was no representation for the appellants, the same was directed to be listed on 30.01.2024 under the caption for dismissal. Accordingly, the same was listed on 30.01.2024 under the same caption. But, the learned counsel for the appellants specifically wanted the matter to be listed today. The said request was considered and the same was directed to be listed today under the same caption. Today, once again request is made for adjournment on the ground that the arguing counsel in Chennai.

2. From the materials on records it shows that the sole respondent died on 13.08.2020 and the same was taken note of by this Court and the certificate of death also placed before this Court. So far no steps have been taken to bring on record as LRs of the deceased sole respondent. In view of the same, the appeal was already abated on expiry of 90 days in the death of the sole respondent. In the light of the above, this Court is not inclined to adjourn the matter further.



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3. Accordingly, the Second Appeal is dismissed as abated. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.02.2024

Internet : Yes / No
Index : Yes / No
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To

1. Sub-Judge, Trichy.

2 The District Munsif Court, Musiri.



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MUMMINENI SUDHEER KUMAR. J.

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