



SA.No.2157 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

SA.No.2157 of 2003 and

CMP.No.2005 of 2003

Kanakaraj

... Appellant

-VS-

- 1.Bhargavi Amma
- 2.Omana Amma
- 3.Vijayamma
- 4.Sathiyaraj
- 5.Joshua
- 6.Muthayyan
- 7.Joseph
- 8.Ponnumani
- 9.Daniyel
- 10.Kesavan
- 11.Varuvel
- 12.Dhaveedhu
- 13.Bhagyanathan
- 14.Poul
- 15.Thankayyan
- 16.Thankayyan
- 17.Joseph Nadar
- 18.Vedhakkan Nadar
- 19.Palayyan Nadar
- 20.Aari Nadar
- 21.Peinbanayagam
- 22.Kunjama Pilla



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- 23.Ammukutty Amma
- 24.Varghease Nadar
- 25.Nesan Nadar
- 26.Ponnumuthan Nadar
- 27.Thankappan Nair
- 28.Sangu Nadar
- 29.Kamalamma
- 30.Gnanamma
- 31.Nallathampi
- 32.Nesamoni
- 33.Royappan
- 34.Lakshmi Muthuthamma
- 35.Elizebeth
- 36.Thomas
- 37.Agastian
- 38.Latha
- 39.Michael
- 40.Francis
- 41.Rosamma
- 42.Thankamma
- 43.Bhaskar Pillai
- 44.Nesamani
- 45.Ammukutty
- 46.Gnanamma
- 47.Rajappan
- 48.Jebamani
- 49.Arulappan
- 50.Kamalakshi
- 51.Sukumaran
- 52.Gopi
- 53.Vincent
- 54.Nesammal
- 55.Vinu
- 56.Valsalam
- 57.Vijayakumar

.. Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against Judgment and decree, dated 21.08.2003 passed by the learned Subordinate



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Judge, Kuzhithurai made in A.S.No.29 of 1995 pursuant to the Judgment and Decree, dated 26.09.1994 in I.A.No.175 of 1981 in O.S.No.561 of 1968 on the file of the Principal District Munsif, Kuzhithurai.

For Appellant : Mr.Sri Kumaran Nair

For 20th Respondent : Mr. P. Thiyagarajan

JUDGMENT

It is represented by the learned counsel for the appellant that the letter addressed to the appellant was returned with postal endorsement “addressee deceased” and a copy of the returned postal cover placed before this Court. In spite of the same, no steps are taken to bring on record LR’s of the deceased sole appellant. Hence, the appeal is already abated consequent upon the death of the sole appellant.

2. In the circumstances, this Court is left with no other option except to declare that the appeal is abated. Accordingly, the Second Appeal is dismissed as abated consequent upon the death of the sole appellant. However, it is left open to the LR’s if any of the appellants to file appropriate application seeking restoration of the Second Appeal if



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they are so advised. No costs. Consequently, the connected Miscellaneous
Petition is closed.

08.02.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Subordinate Judge, Kuzhithurai
2. The Principal District Munsif, Kuzhithurai.



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MUMMINENI SUDHEER KUMAR. J.

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