



SA.No.872 of 2003

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.872 of 2003 and
CMP.No.7975 of 2023

Selvaraj

Appellant

-VS-

**1.Shanmugam
2.Athmanathasamy Hereditary Trustee,
Avudayarkoil,
Sri Athamanathansamy Kovil H.T.,
Sri-la-Sri Sivaprakasa Pandara,
Sanathi, Thiruvaduthurai Adeenam,
Thiruvaduthurai Post.
Nagapattinam District.**

.. Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree made in A.S.No.86 of 1997 on the the file of the Subordinate Judge, Pudukkottai, dated 02.03.1998 confirming the Judgment and decree made in O.S.No.502 of 1990 on the file of the District Munsif Court, Aranthangi.

For Appellants : No appearance

For 1st respondent : Mr.R.Jegadeeswaran

For 2nd respondent : Mr.B.Brijeshkishore



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JUDGMENT

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This Second Appeal was filed aggrieved by the concurrent findings of the Courts below. The first respondent herein is the plaintiff in the original suit. The 1st respondent / plaintiff, who succeeded in both the Courts below reported dead and the details of the legal representatives were furnished to the learned counsel for the appellant as early as on 19.10.2012 by filing a memo in SR.No.3360. No steps have been taken as on date to bring on record the LRs of the deceased first respondent / sole plaintiff. In the circumstances, the 2nd respondent is only a co-defendant along with appellant herein in the original suit. Hence, this Court is left with no other option except to declare that the Second Appeal as abated consequent upon the death of the first respondent on 22.07.2012.

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

11.01.2024

Internet : Yes / No
Index : Yes / No
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To

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



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MUMMINENI SUDHEER KUMAR. J.

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