



**SA.No.1342 of 2004**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 07.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**SA.No.1342 of 2004 and**  
**CMP(MD).No.10421 of 2004**

1.K.Kamatchi Chettiar (died)  
2.K.Ganapathi ... Appellants  
(A2 brought on record as LR of deceased  
sole appellant vide Court order, dated 04.04.2017 made in  
CMP(MD).No.1502 to 1504 / 22017 in SA.No.1342 of 2004)

**-vs-**

1.P.Manoharan Nadar(died)  
2.A.Manomani  
3.M.Murugan .. Respondents  
(R3 brought on record as LR of the 1<sup>st</sup> respondent  
as per ordered, dated 05.10.2018 in CMP(MD).No.  
9529 to 9531 in SA.No.1342 of 2004)

**PRAYER:** The Second Appeal is filed under Section 100 C.P.C against the decree and Judgment, dated 24.11.2003 rendered in A.S.No.13 of 2003 on the file of the Additional District Judge – cum – Fast Track Court, Virudhunagar in so far as relating to the refusal to grant the relief of mandatory injunction, by modifying the decree and Judgment, dated 04.01.2002 rendered in O.S.No.36 of 1998 on the file of the District



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For Appellant : M/s. D. Sathyasri  
For 3<sup>rd</sup> respondent : Mr. D. Nallathambi

### **JUDGMENT**

This appeal is filed by the plaintiff aggrieved against the reversal Judgment passed by the learned Additional District Judge – cum – Fast Track Court, Virudhunagar. As the first appellant died, 2<sup>nd</sup> appellant was brought on record as LR of the deceased sole appellant.

2. The learned counsel appearing for the appellant filed a memo, dated 06.11.2023 stating that the letter sent to the 2<sup>nd</sup> appellant was returned with postal endorsement as “addressee deceased” and requested this Court to dismiss the appeal as abated.

3. In view of the death of both the appellants, the Second Appeal is dismissed as abated. However, it is left open to the LRs if any of the appellant to file appropriate application seeking restoration of the



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

**07.02.2024**

Internet : Yes / No  
Index : Yes / No  
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To

1. The Additional District Judge – cum – Fast Track Court, Virudhunagar
2. The District Munsif, Virudhunagar.



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***MUMMINENI SUDHEER KUMAR. J.***

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