



S.A(MD)No.78 of 2004

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.08.2024**

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.78 of 2004

Narayanan Nair ... Appellant/1st Appellant/1st Defendant

Vs.

1.Sukumaran Nair
2.Surendran Nair
3.Sarala Bai
4.Narayanan Nair
5.Chandrasekaran Nair
6.Kuttappan Nair

... Respondents/
Respondents & 2nd Appellant/
Plaintiffs & 2nd Defendant

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 30.07.2003 made in A.S.No.61 of 2000 on the file of the Sub Court, Kuzhithurai, modifying the judgment and decree dated 22.06.2000 made in O.S.No.559 of 1996 on the file of the Principal District Munsif, Kuhithurai.

For Appellants	: Mr.K.N.Thampi
For R 1 & R 5	: Mr.N.S.Ramakrishnadass
For R – 6	: No appearance



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JUDGMENT

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When the matter came up of hearing on 07.08.2024, the learned counsel appearing for the appellant sought time to get instructions.

2.When the matter is taken up for hearing today, the learned counsel appearing for the appellant submitted that the letter written to the appellant was returned with an endorsement 'died'.

3.The Second Appeal is of the year 2004 and the same was admitted on 23.08.2004. It is also stated that the appellant died in the year 2007 itself. It appears that the legal heirs of the deceased appellant are not interested in prosecuting the matter further. Hence, this Court is of the view that the appeal may be dismissed as abated, as the period of limitation to implead the legal heirs has already been lapsed.

4.In view of the above, this second appeal is dismissed as abated. No costs.

20.08.2024

NCC : Yes/No
Index : Yes/No
ps

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To

1.The Sub Court,
Kuzhithurai.

2.The Principal District Munsif,
Kuhithurai.

3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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Judgment made in

S.A(MD)No.78 of 2004

20.08.2024