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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.09.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 137 of 2007

and

M.P(MD)No.1 of 2007

Rathina Sabapathy

...Appellant

Vs.

1. Karuppaiah Servai (Died)
2. Subbiah Servai
3. Vaithialingam Servai (Died)
4. Kasinathan Servai
5. Thatchinamoorthy Servai
6. V.Muthulakshmi
7. V. Kamalam
8. Padmini
9. V. Balasubramanian
10. V. Ramamoorthy
11. V. Chandrasekar
12. Rangammal
13. Bose
14. Subramani @ Mani
15. Gandhi



16. Lakshmi

17. Jothimani

18. Amutha

...Respondents

[Respondents 6 to 11 are brought on record as LRs of th deceased 3rd respondent vide Order of this Court, dated 16.08.2021]

[Respondents 12 to 18 are brought on record as LRs of th deceased 1st respondent vide Order of this Court, dated 16.08.2021]

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, to allow this appeal and set aside the Judgment and Decree dated 27.09.2005 passed in A.S No. 3 of 2005 on the file of the District Court, Pudukkottai confirming the Judgment and Decree dated 15.02.2000 passed in OS.171 of 1997 on the file of the District Munsif cum Judicial Magistrate Court, Thirumayam.

For Appellant :M/s.V.Ramakrishnan

For Respondents :M/s.P.Thiyagarajan, for R-4, R-5, 12 to 15,
17 & 18
M/s.G.Vithyamaheswaran, for R-9 to R-11
R-1, 2, 3 & 16 – Died

JUDGMENT

The Learned Counsel appearing for the Appellant submitted that the sole appellant died on 22.04.2023. In spite of contacting the Legal heirs of the appellant they have not come forward to prosecute this case.



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2. Till date no steps have been taken and hence, this Second Appeal is dismissed as abated with liberty to reopen, if the legal heirs intended to to contest the case. No Costs. Consequently, connected miscellaneous petition is closed.

Index :Yes/No
Internet:Yes/No

12.09.2024

KSA

To

1. The District Court,
Pudukkottai.
2. The District Munsif cum Judicial Magistrate Court,
Thirumayam.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

**Judgment made in
S.A(MD)No.137 of 2007**

12.09.2024