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S.A.No.1153 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

S.A.No.1153 of 2010

&

M.P.No.1 of 2010

- 1.Mrs.Parimala Thambusamy
- 2.Mr.Arun Thambuswamy
- 3.Mr.Ashok Thambuswamy
- 4.Mrs.Shobha Thambuswamy
- 5.Mrs.Veronica Thambuswamy
- 6.Mr.Johnson Maghimai Doss
- 7.Chandran Johnson

(Appellants 2 to 7 are impleaded vide  
Court order dated 05.02.2025 in  
C.M.P.Nos.8884, 8887 & 8892 of 2023  
in S.A.No.1153 of 2010)

...Appellants

Vs..

M/s.Bharat Petroleum Corporation Ltd.,  
Division Office,  
No.7, Kodambakkam High Road,  
Chennai – 600 003.

...Respondent

Second Appeal filed under Section 100 of Civil Procedure Code, to



S.A.No.1153 of 2010

allow the above Second Appeal and set aside the Judgment and decree dated 29.10.2004 in A.S.No.206 of 2004 passed by His Honour the I Additional Judge, City Civil Court, Chennai, reversing the Judgment and Decree dated 29.01.2004 in O.S.No.6974 of 19996 passed by the Learned VII Assistant Judge, City Civil Court, Chennai.

For Appellants : Mr.T.Magendiran

For Respondents : Ms.V.Nithyasri  
For M/s.S.Ramasubramaniam

### **JUDGMENT**

The Second Appeal has been instituted to set aside the Judgment and decree dated 29.10.2004 in A.S.No.206 of 2004 passed by His Honour the I Additional Judge, City Civil Court, Chennai, reversing the Judgment and Decree dated 29.01.2004 in O.S.No.6974 of 19996 passed by the Learned VII Assistant Judge, City Civil Court, Chennai.

2. It is brought to the notice of this Court that the Second Appeal itself was dismissed as abated vide order dated 17.03.2023, recording the fact that no steps have been taken by the appellant to implead the legal heirs of the



S.A.No.1153 of 2010

deceased sole appellant, who died on 08.09.2019.

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3. The learned counsel appearing for the appellant made a submission that the Second Appeal may be dismissed as withdrawn. He has also made an endorsement to that effect in the case bundle.

4. Accordingly, the Second Appeal stands dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

**05.02.2025**  
**(2/2)**

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Index : Yes/No  
Speaking Order/Non-Speaking order

To

1. The learned I Additional Judge,  
City Civil Court, Chennai.
2. The learned VII Assistant Judge,  
City Civil Court, Chennai.
3. The Section Officer,  
V.R. Section,  
High Court, Madras.

3/5



WEB COPY



S.A.No.1153 of 2010

**S.S.SUNDAR, J.**

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S.A.No.1153 of 2010

S.A.No.1153 of 2010

(2/2)

05.02.2025