



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

S.A.No.837 of 2010 and
M.P.No.1 of 2010

Subramanian

... Appellant

Vs.

- 1.Kaveri Ammal
- 2.Thangarasu Padayachi (died)
- 3.Chakravarthi
- 4.Sekar
- 5.Uthirapathi
- 6.Kathayee Ammal
- 7.Sundari
- 8.Chinnammal
- 9.Jambulingam
- 10.Uthandi
- 11.Selvam
- 12.Sembayee
- 13.Manikandan
- 14.Venkatasamy Reddiar

... Respondents

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 31.12.2009 made in A.S.No.102 of 2003 on the file of the Principal Sub Court, Vridhachalam, reversing the judgment and decree dated 30.04.2004 made in O.S.No.350 of 1999 on the file of the Principal District Munsif Court, Vridhachalam.



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For Appellant : Mr.Frangkelin.S for
M/s.Sarvabhauman Associates
For Respondents :Mrs.V.Srimathi for RR1,3,4,6,8,10,11 & 12
R2 - died
No appearance for RR5,7,9 & 13

JUDGMENT

This Second Appeal has been filed to set aside the judgment and decree dated 31.12.2009 made in A.S.No.102 of 2003 on the file of the Principal Sub Court, Vridhachalam, reversing the judgment and decree dated 30.04.2004 made in O.S.No.350 of 1999 on the file of the Principal District Munsif Court, Vridhachalam.

2.The learned counsel for the appellant has filed the following memo:

"It is humbly submitted before the Hon'ble Court that we appear for the appellant in the above Second Appeal. We tried to contact the appellant on several occasions through the various modes and had sent a letter dated 14.12.2022 through RPAD to the parties seeking instructions to contest the above matter. The above letter returned cover as person "deceased". We are herewith enclosing the copy of the letter.

It is therefore prayed that this Hon'ble Court may be pleased to record this memo and pass such further or other orders."



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3. The returned cover had also been filed and from the endorsement, it is seen that it had been returned on 15.12.2022 noting that the appellant had died. By any mathematical calculation, the Appeal stands abated.

4. In view of the same, this Second Appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Speaking order / Non-speaking order

04.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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C.V.KARTHIKEYAN, J.

gsk

To

- 1.The Principal Sub Court,
Vridhachalam.
- 2.The Principal District Munsif Court,
Vridhachalam.

S.A.No.837 of 2010 and
M.P.No.1 of 2010

04.07.2025