



SA.No. 98 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **27-01-2025**

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA.No. 98 of 2025

V.K.Sakthivel

Appellant

Vs

1. Ramasamy
2. R.Malliga

Kuppusamy Gounder (died)

3. Kuppusamy Nadar
4. Gopal Nadar
5. Chelladurai
6. Deaf & Dumb Vallarasu
rep. by his guardian wife Tamilarasi
7. Sivanandam
8. Senthil @ Balachander
9. Kamalathal
10. Palanisamy
11. Subbulakshmi

Respondent(s)



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WEB PRAYER : Second Appeal filed under Sec. 100 of Civil Procedure Code, praying to set aside the judgment and decree dated 21.01.2020 passed in A.S.No.33 of 2017 on the file of Sub-Court, Kangayam reversing the judgment and decree dated 30.06.2011 passed in O.S.No. 376 of 2007 on the file of District Munsif Court, Kangayam.

For Appellant : Mr.K.Govi Ganesan

For Respondent(s):

Mr.P.Kannan Kumar for R2

No appearance – R1, R4, R6, R7,
R8 & R11

R3, R5, R9 & R10 - died

ORDER

The appellant herein is the plaintiff, who had filed the suit in O.S.No.376 of 2007 on the file of District Munsif, Kangayam, Erode District for the relief of declaration and other consequential relief. Before the trial court, the suit was dismissed on contest. Against which, an appeal in A.S.No.33 of 2017 on the file of Subordinate Judge, Kangayam was preferred by him and the same was allowed. Challenging the said reversal findings of first appellate court, the plaintiff preferred this Second Appeal.



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2. Today, when the matter taken up for hearing, the learned counsel appearing for the appellant and the learned counsel for 2nd respondent appeared. Mr.K.Govi Ganesan, learned counsel for appellant submitted that sole appellant died. He would also submit that as he is unmarried, he has no legal heirs and his parents have also already predeceased and so, as on date, he has no legal heirs.

3. Considering the fact that the learned counsel for appellant reported sole appellant died and as he is unmarried, as on date, he has no legal heirs, this Second Appeal is liable to be dismissed as abated. Accordingly, this Second Appeal is dismissed as abated. No costs.

27.01.2025

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To

Sub-Judge, Kangeyam.

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T.V.THAMILSELVI, J.

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