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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02/12/2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

SA(MD). No.88 of 2008

Mariapushpam ... Appellant/1st Appellant/2nd Plaintiff

Vs.

1. Arul Jaganathan

2. John Maria Josephraj

3. Xavier Arockiaraj

4. Mariammal

5. Rosaliammal

6. Theresa @ Philominal

7. Anna Margarat ...Respondents/Respondents/Respondents

For Appellant : Mr.K.K.Senthil

For Respondents : No appearance

Prayer: This Second Appeal is filed under Section 100 C.P.C against the judgment and decree passed in A.S.No.321 of 2004 dated 27.06.2005 on the file of Principal District Judge, Tiruchirappalli confirming the judgment and decree made in O.S.No.788 of 1997 dated 07.11.2003 on the file of III Additional District Munsif, Tiruchirappalli.

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J U D G M E N T

From the materials placed on record, it appears that the learned counsel for the second respondent had filed a memo as early as on 27.07.2011, for recording the death of the sole appellant in the Second Appeal. It is seen that from the year 2011 onwards, no steps have been taken to implead the legal heirs/legal representatives of the deceased sole appellant. Hence, this Court finds no justifiable reason to keep the appeal pending.

2. Since steps have not been taken right from the year 2011 to implead the legal heirs of the deceased sole appellant, this Second Appeal is dismissed as abated. No costs.

02.12.2025

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To,

1. The Principal District Judge, Tiruchirappalli

2.III Additional District munsif, Tiruchirappalli.

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N.MALA., J.

CM

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