



S.A.(MD).No.253 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A.(MD).No.253 of 2019
and
C.M.P.(MD).No.4683 of 2019

Manickam @ Chillu Mayandi

... Appellant/Appellant/
1st Defendant

Vs.

1.Rasu

... 1st Respondent/1st Respondent/
Plaintiff

2.Balu

3.Chakkarai

4.Pandi

... Respondents 2 to 4/Respondents 2 to 4/
Defendants 2 to 4

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the decree and judgment dated 16.08.2018 passed in A.S.No.27 of 2016 on the file of the III Additional Subordinate Judge (Usilampatti Camp), Madurai, thereby, confirming the suit in O.S.No.48 of 2009 dated 05.02.2016 on the file of the District Munsif cum Judicial Magistrate, Usilampatti.



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For Appellant : No appearance

For R-1 : Mr.R.G.Shankar Ganesh

JUDGMENT

It could be seen that the suit filed by the first respondent in the appeal came to be decreed and the first appeal came to be dismissed, against which, the first defendant had preferred the above Second Appeal.

2. In the Second Appeal, the first respondent, who is the contesting party, being the plaintiff, died and the same was recorded and time was granted for the appellant on 08.07.2025 for taking steps. When the appeal was listed on 23.07.2025, since no steps were taken as against the deceased contesting first respondent, the appeal was adjourned to 04.08.2025 finally for taking steps.

3. Even today, when the appeal is listed for hearing, no steps have been taken to bring on record the legal heirs of the deceased first respondent. The relief in the appeal does not survive as against the other respondents. It is evident that the appellant is not interested in prosecuting the appeal.

4. In view of the above, the Second Appeal is dismissed as abated. There



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shall be no order as to costs. Consequently, connected miscellaneous petition

stands closed.

04.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The III Additional Subordinate Court (Usilampatti Camp),
Madurai.
- 2.The District Munsif cum Judicial Magistrate,
Usilampatti.
- 3.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN,J.

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