



S.A(MD).No.30 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

S.A(MD).No.30 of 2018 and
CMP(MD).Nos. 550 and 551 of 2018

Pitchaimuthu Pillai

... Appellant / 1st respondent /
plaintiff

-VS-

1.Balagurusamy
2.Eswari

.. Respondents 1 and 2 /
appellants / defendants 1 & 4

3.Paramasivam
4.Krishnamoorthy

.. Respondents 3 & 4 /
respondents 2 & 3 / defendants 2 & 3

PRAYER: Second Appeal filed under Section 100 of CPC against the Judgment and Decree passed in A.S.No.44 of 2015, dated 18.09.2017 on the file of the Additional Sub Court, Dindigul reversing the Judgment and decree passed in O.S.No.624 of 2006, dated 23.03.2015 on the file of the Principal District Munsif Court, Dindigul.



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For Appellant : Mr.R. Senthil Kumar

For respondents 1 & 2 : Mr.S. Sarvagan Prabu

For 4th respondent : No appearance

JUDGMENT

The Second Appeal is filed against the Judgment and Decree, dated 18.09.2017 made in A.S.No.44 of 2015 on the file of the Additional Sub Court, Dindigul reversing the Judgment and decree, dated 23.03.2015 passed in O.S.No.624 of 2006 on the file of the Principal District Munsif Court, Dindigul.

2. The sole appellant in the appeal has died long back. Even, when the appeal was admitted on 03.02.2025, the death of the sole appellant was recorded and the matter was adjourned to 22.04.2025 to take steps to substitute the Legal Heirs on record. Thereafter, when the matter was posted on 22.04.2025, no steps have been taken by the appellant. Even today, ie., after a period of 1 ½ months, when the case was listed for hearing, steps have not been taken to implead the legal heirs of the



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deceased sole appellant. It is evident that the appellant is not interested in prosecuting the case.

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

No costs. Consequently, the connected Miscellaneous Petitions are closed.

10.06.2025

Internet : Yes / No

Index : Yes / No

trp

To

1. The Additional Sub Court, Dindigul.

2. The Principal District Munsif Court, Dindigul.



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G. ARUL MURUGAN, J.

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