



S.A(MD).No.388 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

S.A(MD).No.388 of 2018 and
CMP(MD).No. 10993 of 2018

Rukmani Ammal (died)

1. Nagappan

2. Vairam

3. Savithri

... Appellants/ respondents /
defendants

(cause title accepted vide Court order,
dated 12.02.2018 made in CMP(MD).No.1283/2018
in SA(MD).SR.No.4473 /2018 by SSRJ.

-VS-

Kalyanasundaram (died)

.. Respondent / Appellant
/ plaintiff

PRAYER: Second Appeal filed under Section 100 of CPC against the Judgment and Decreetal order passed by the learned Principal Subordinate Judge, Kumbakonam, dated 30.09.2016 made in A.S.No.7 of 2014 by which reversing the Judgment and decreetal order made in O.S.No.30 of 2005, dated 02.12.2013, on the file of the Principal District Munsif, Kumbakonam.



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For Appellants : Mr.B. Anandan

For respondent : Mr.G. Gomathi Sankar

JUDGMENT

This Second Appeal is filed against the Judgment and decree, dated 30.09.2016 made in A.S.No.7 of 2014 on the file of the Principal Subordinate Judge, Kumbakonam, reversing the Judgment and Decree, dated 02.12.2013 made in O.S.No.30 of 2005, on the file of the Principal District Munsif, Kumbakonam.

2. When the Second Appeal was taken up for hearing on 05.06.2025, this Court passed the following order:

“The sole respondent in the appeal had died four years back as per the memo filed by the learned counsel for the respondent on 03.04.2025. When the matter was listed on 03.04.2025, time was granted to the appellants to take necessary steps to substitute the legal heirs of the respondent.

2. Today, when the matter is taken up, no steps have been taken to substitute the legal heirs of the deceased sole respondent. Even though the Second Appeal is abated long back, since the memo has been filed on 03.04.2025, one last opportunity is provided to the appellants for taking necessary steps.



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3. Post the matter on 11.06.2025.”

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3. Even today, when the appeal is listed for hearing, steps has not been taken to substitute the legal heirs of the deceased sole respondent. It is evident that the appellants are not interested in prosecuting the appeal.

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

11.06.2025

Internet : Yes / No

Index : Yes / No

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To

1. The Principal Subordinate Judge, Kumbakonam.

2. The Principal District Munsif, Kumbakonam.



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G. ARUL MURUGAN, J.

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11.06.2025