



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

**SA No. 669 of 2007
and M.P.No.1 of 2007**

A.Elumalai
S/o Adhimoola Gounder
Varpakkam Village & Post
Tiruvannamalai Taluk.

.. Appellant/Respondent/
Plaintiff

Vs.

1. K.Sahadevan
S/o Kannu Gounder
2. S.Valli W/o Sahadevan
Kilakku Udukka Puravadai ,
Arpakkam Village & Post,
Tiruvannamalai Taluk.

..Respondents/Appellants/
Defendants

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure 1908, praying to set aside the Judgment and Decree dated March 26, 2007, made in A.S.No.40 of 2006 on the file of Principal Sub Judge, Tiruvannamalai, reversing the Judgment and Decree dated February, 20, 2006 made in O.S.No.73 of 2005 on the file of District Munsif, Tiruvannamalai.

For Appellant(s) : Ms.M.Saranya
for Ms.V.Srimathi
For Respondent(s) : Mr.K.S.Vishal
for M/s.Sarvbhauman Associates
N.Jaikumar - R2



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JUDGMENT

This Second Appeal has been filed praying to set aside the Judgment and Decree dated March 26, 2007 made in A.S.No.40 of 2006 on the file of Principal Sub Judge, Tiruvannamalai, reversing the Judgment and Decree dated February, 20, 2006 made in O.S.No. 73 of 2005 on the file of District Munsif, Tiruvannamalai.

2. The daily orders dated February 19, 2025; March 27, 2026 and April 20, 2026 this Court observed as follows:-

February 19, 2025

Today, when the matter taken up for hearing, both the learned counsel for appellants and respondents appeared. The learned counsel for appellants reported that sole appellant and 1st respondent died and she had filed petitions for impleading legal heirs of 1st respondent. Hence, she seeks time.

2. Post the matter on 10.03.2025 along with the petitions in CMP.SR.Nos.27080 to 27085 of 2024.

March 27, 2026

Ms.R.Anvitha , representing Mrs.V.Srimathi, Counsel on record for the Appellant is before this Court.

2. She submits that the sole appellant as well as the first respondent died. In this regard, she filed necessary applications and the same are under scrutiny in the Registry. Hence, she seeks three weeks time. Request acceded to.

3. List the matter on April 20, 2026.



April 20, 2026

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Mr.Kalai Selvan, representing Mrs.V.Srimathi, learned counsel on record for the appellant submits that an application has been filed to bring on record the legal heir(s)/legal representative(s) of the sole appellant, and the same is under scrutiny before the Registry. Hence, he seeks two weeks' time to follow up with the matter. His request is acceded to.

Post this matter on 02.06.2026.

3. Despite sufficient opportunity is given, the Appellant did not file proper application to bring on record the legal heir(s)/legal representative(s) of the sole appellant. Hence, this Second Appeal shall stand dismissed as abated. Consequently, connected Civil Miscellaneous Petition is closed. Considering the facts and circumstances of the case, there shall be no order as to costs.

02-06-2026

Index : Yes/No

Internet : Yes/No

kkd

To

1. The Principal District Munsif Court,
Tiruvannamalai.
2. The Principal Subordinate Court,
Tiruvannamalai.



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R.SAKTHIVEL, J.

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