



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA No. 56 of 2020 and
CMP No.1191 of 2020**

Kasiammal (Died)

1. Periasamy
S/o.Pakkiri Padayachi.
2. Dharmalingam,
S/o.Kunju Padayachi.

..Appellant(s)

Vs

1. Muthusamy
S/o.Natesa Padayachi.
2. Govindasamy
S/o.Natesa Padayachi.
3. Annamalai,
S/o.Pichaipillai Padayachi.

..Respondent(s)

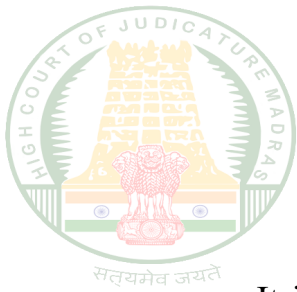
Prayer: Second Appeal is filed under Section 100 of CPC to allow the second appeal and to set aside the judgment and decree of the learned subordinate Judge, Jayankondam dated 25.04.2019 made in A.S.No.10 of 2017, reversing the judgment and decree dated 11.12.2012 made in O.S.No.104 of 2023, on the file of the District Munsif Court, at Jayankondam.

For Appellant(s):

Mr.M.Senthil Vadivu for A1
No Appearance for A2

For Respondent(s):

R1 & R3 - Died
Mr.T.C.Thirumalaisamy for R2



JUDGMENT

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It is seen from the Memo filed by the learned counsel for the appellants dated 16.03.2026 and the connected records that the appellants 1 and 3 and 1st respondent have died. Respondents 1 and 2 had obtained a decree for declaration and injunction. Since no steps have been taken to bring on records the legal representatives of the 1st respondent/1st plaintiff, the Decree for declaration and injunction granted by the Court below in favour of the 1st respondent has attained finality. The Decree passed by the Court below is inseparable. Therefore, in view of failure of the appellants to bring on record the legal representatives of the 1st respondent, the appeal is dismissed as abated. There shall be no order as to costs. Connected miscellaneous petition is closed.

18-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssr



To

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1.The Subordinate Judge, Jayankondam.

2.The District Munsif, Jayankondam.



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S.SOUNTHAR, J.

SSR

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