



S.A(MD)No.816 of 2007

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.816 of 2007

and

C.M.P(MD)Nos.8528, 8529 and 8530 of 2016

1.Mathavan Pillai

2.Suvappana

... Appellants 1 &2 /Respondents 2 & 3
/Plaintiffs 2 & 3

Vs.

1.P.Shanmugam Pillai

2.Pathmanabha Pillai

3.Sivan Pillai

...Respondents 1 to 3/Appellants 1 to 3
/Respondents 1, 6 & 7

4.Nagendran (Died)

... 4th Respondent/1st Respondent
/1st Plaintiff

5.Jegatha @ Umapathi

6.Kasthuri @ Bagavathi Ammal

7.Dr.A.Subramaniam Pillai

8.Chitra

9.Sivalatha

... Respondents 5to9/Respondents 5 to 9
/Defendants 3, 5, 8 to 10

10.Kalyani @ Pappa

... Respondent No.10

(Appellant No.2, who is already on record, is recorded as LR of the deceased 4th respondent and 10th respondent is brought on record as LR of the deceased 4th respondent vide Court order dated 05.01.2023 made in M.P(MD)No.1 of 2014 in S.A(MD)No.816 of 2007 by SSJ)



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PRAYER :-

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This Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree, made in A.S.No.5 of 2005 on the file of the Principal Sub Court, Nagercoil, dated 12.04.2007, reversing the judgment and decree made in O.S.No.732 of 1996 on the file of the II Additional District Munsif Court, Nagercoil, dated 30.11.2004.

For Appellants	: No Appearance
For R1	: No Appearance
For R2 - R3	: Mr.K.Sree Kumaran Nair

JUDGMENT

When the matter was listed for hearing on 16.02.2023, the learned counsel for the appellants submitted that the first appellant is no more and filed a memo stating that the letter sent by him to the second appellant returned with an endorsement "insufficient address". Therefore, he reported 'no instructions'. After recording the memo, this Court directed the Registry to post the Second Appeal on 20.02.2023 under the caption 'for dismissal' by printing the name of the appellants.

2. Today i.e on 21.02.2023 the matter is listed by printing the name of the appellants under the caption 'for dismissal'. There is no representation for the appellants. The first appellant already died.



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3. In these circumstances, the Second Appeal is 'dismissed for default'.

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

21.02.2023

NCC : Yes/No
Index : Yes / No

vsd

To

- 1.The Principal Sub Court,
Nagercoil.
- 2.The II Additional District Munsif Court,
Nagercoil.
- 3.The Record Keeper,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

vsd

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