

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

S.A.(MD)No.312 of 2017
and
C.M.P(MD) No.6689 of 2017

Innasimuthu Nadar (Died)

1. Mariyapappa
W/o.Innasimuthu Nadar
2. Anthoniyammal
D/o.Innasimuthu Nadar
3. Lourdhuraj
S/o.Innasimuthu Nadar
4. Mariyadass
S/o. Innasimuthu Nadar
5. Annalourdhu
D/o. Innasimuthu Nadar
6. Arokiyam
S/o. Innasimuthu Nadar
7. Kennady
S/o. Innasimuthu Nadar
8. Anthony
S/o. Innasimuthu Nadar

9. Lookas

S/o. Innasimuthu Nadar

10. Selvarani

D/o. Innasimuthu Nadar

... Appellants/Appellants/Plaintiffs

-VS-

1. R.Jeyalakshmi

Shanmugavel (Died)

... Respondents/Respondents/
Defendants

PRAYER: Second Appeal is filed under Section 100 of C.P.C, against the judgment and decree dated 28.03.2017 passed in A.S.No.133 of 2011 on the file of the Sub Court, Thoothukudi confirming the judgment and decree dated 04.04.2007 passed in O.S.No.139 of 2005 on the file of the Principal District Munsif Court, Thoothukudi.

For Appellants : No appearance

For Respondents : No appearance

JUDGMENT

As per the order of this Court dated 11.08.2023, notices were issued by this Court to the last known address of the appellants 1 to 10. However, the notices which were sent through RPAD has been returned with an endorsement “no such persons in this address”. Since the notice were issued

to the last known address as mentioned in the appeal memorandum, and when the such notices were returned as “no such person in this address”. Therefore, keeping this appeal on file, is nothing but a futile exercise. Therefore, this Court deems it appropriate to dismiss the appeal for default.

2. Hence, this Second Appeal is **dismissed for default**. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

11.09.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To
1.The Principal District Munsif Court,
Thoothukudi.

2. The Sub Court,
Thoothukudi

S.A.(MD).No.312 of 2017

C.KUMARAPPAN,J.

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