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S.A.NO.1898 OF 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26/03/2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

S.A.NO.1898 OF 2003

Arumugham (Died)
S/o.Rajamanicka Mudaliar,
Kamatchi Illam,
Zameendhar Garden,
Pondicherry.

...Appellant/ 1st Respondent/
Plaintiff

2.Sarasvathy
W/o.Late Arumugam

3.Dhanam
D/o.Late Arumugam

4.Anita
D/o.Late Arumugam

5.Ally
D/o.Late Arumugam

6.Vaithiyanathan
S/o.Late Arumugam
A1 Died, A2 to A6 are brought on
record as LR's of the deceased 1st
Appellant vide Court Order dated
February 26, 2024 made in
C.M.P.Nos.3483, 3477 & 3481 of
2024 in S.A.No.1898 of 2003

... Appellants 2 to 6/Legal
Representatives of the
deceased 1st Appellant-
Arumugham

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S.A.NO.1898 OF 2003

Vs.

1.Nithyanandam
S/o.Ramadoss

2.Vijayanandam
S/o.Ramadoss

3.Premanandhan
S/o.Ramadoss

4.Kaliammal
W/o.Arjunan

...Respondents/Appellants/
Defendants 7 to 9 & 11

All are residing at
Marakkanam Village,
Tindivanam Taluk,
Villupuram District.

5.Chandiran,
S/o.Arjunan,
50, Sankaradass Street,
Pondicherry.

6.Rajeswari,
W/o.Kanthaswamy,
2, Sundara Vinayakar
Koil Street, Gingee,
Villupuram District.

... Respondents/Respondents 2 to 3/
Legal Representative of
10th & 6th Defendant

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated June 24, 2023 made in A.S.No.28 of 2003 on the file of the Fast Track Court-II

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Tindivanam, reversing the Judgment and Decree dated March 30, 2001 in
O.S.No.629 of 1993 on the file of the Principal District Munsif,
Tindivanam.

For Appellant : Ms.V.Srimathi
For Respondents-2 to 4 & 6 : Mr.J.Prithvi
for Mr.Kaithamalai Kumaran

JUDGMENT

Daily Order dated March 12, 2026 reads thus:

“Ms.Anvitha.R, representing Mrs.V.Srimathi, Counsel on record for the Appellant and Mr.I.Pragadeesh, representing Mr.S.Kaithamalai Kumaran, Counsel on record for Respondent Nos. 2 to 4 and 6, are before this Court.

2. Representing Counsel for the Appellant submits that the Counsel on record has handed over the case file to the Appellant. He seeks a week’s time to file necessary memo in this regard.

3. In view of the above submissions, Registry is directed to print the name of the Appellant in the cause list in the next hearing day.

4. List the matter on 26.03.2026.”



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2.Ms.V.Srimathi, learned Counsel appearing for the Appellant reports “no instructions” and also filed a memo to that effect.

3.Pursuant to the Order dated March 12, 2026, the names of the Appellants 2 to 6 have been shown in the cause list. Despite names printed, the Appellants 2 to 6 did not choose to appear and argue the Second Appeal. Under such circumstances, this Court has no other option except to dismiss the Second Appeal for non-prosecution. Accordingly, the Second Appeal is dismissed for non-prosecution. Considering the facts and circumstances of the case, there shall be no order as to costs.

26/03/2026

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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S.A.NO.1898 OF 2003

To
WEB COPY

- 1.The Fast Track Court-II Tindivanam.
- 2.The Principal District Munsif, Tindivanam.



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R. SAKTHIVEL, J.

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