



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

S.A.No.1204 of 2004

Mahalingam,
S/o.Pacha Beyan,
Kuppandampalayam,
Bhavani Taluk.

...Appellant/Appellant/
Plaintiff

Vs

1. M/s.Ammasai Boyan (died),
S/o.Chinnaboyan,
Kamarajapuram,
Athini Village,
Bhavani Taluk,
Erode District.
2. Karuppusami,
S/o.Ammasai Boyan,
M.G.R.Nagar,
Kuppandampalayam,
Bhavani Taluk,
Erode District.
3. Sengodan,
S/o.Ammasam Boyan
4. Subramaniam,
S/o.K.C. Maran
5. Kaliappan,
S/o.K.C. Maran



6. Thangaraju,
S/o.K.C. Maran

(R3 to R6 at Kamarajapuram,
Athini Village,
Bhavani Taluk.

7. Nataraj Alias Karuppusami (died),
S/o.Chinna Boyan,
Karuvadipudur,
Kuppandanpalayam,
Bhavani Taluk.

8. Ponnusami (died),
S/o.Sicha Boyan,
Chokkankadu,
Athami Village,
Bhavani Taluk.

9. Rasu Gounder,
S/o.Velappa Gounder,
Pannadi Thottam,
Nagalur,
Kuppandampalayam,
Bhavani Taluk.

10.Pongiammal,
W/o Ammasi Boyan

11.Duraisami,
S/o.Ammas Boyan

12.Eswari,
S/o Ammasi Boyan,
R10 to R12 are at Anthiyur Taluk,
Erode District.

13.Rajendran,
S/o Natraj @ Karuppusami,



14. Rajamani,
D/o Nataraj @ Kuruppusami,
R13 and R14 are at Anthiyur Taluk,
Erode District.

15. Chinnammal,
W/o Ponnusami,

16. Ranendran,
S/o Ponnusami,

17. Chinnadurai,
S/o Ponnusami,
R15 to R17 are at Athani Village,
Anthiyur Taluk,
Erode District.

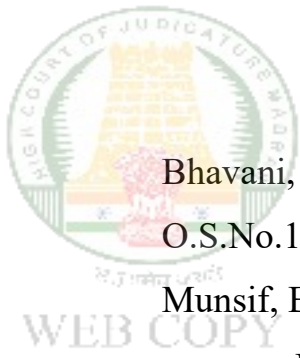
...Respondents/
Respondents/
Defendants

(R10 to R12 brought on record as LR's of the deceased R1, viz., Ammasi Boyan, vide order of Court dated 19/07/2019 made in C.M.P.Nos.13498,13496 and 13499/2019 in S.A.No.1204 of 2004)

(R13 and R14 brought on record as LR's of the deceased R7, viz., Nataraj @ Karuppusami, vide order of Court dated 19/07/2019 made in C.M.P.No.13502 of 2019 in S.A.No.1204 of 2004)

(R15 to R17 brought on record as LR's of the deceased R8, viz., Ponnusami, vide order of Court dated 13/08/2019 made in C.M.P.Nos.13495, 13500 and 13501 of 2019 in S.A.No.1264 of 2004)

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.62 of 2003 dated November 28, 2003 on the file of Subordinate Court,



Bhavani, Erode District, confirming the Judgment and Decree passed in O.S.No.106 of 2002 dated July 25, 2003 on the file of I Additional District Munsif, Bhavani.

For Appellant(s) : No appearance

For Respondent(s): Ms.Zeenath Bagam
for R2, R3 and R9

ORDER

Daily Order dated June 26, 2025 reads thus:

“The learned counsel for the appellant submits that letter sent to the appellant on 09.06.2025, was returned as refused. The learned counsel therefore reports no instructions.

2.Registry is directed to issue notice to the appellant returnable by 10.07.2025.

3.Post the matter on 10.07.2025.”

2.Daily Order dated July 10, 2025 reads thus:

“Post after service of notice to the sole appellant.”

3.Daily Order dated March 05, 2026 reads thus:

“Ms.A.Nilaphar, representing Ms.R.Meenal, Counsel on record for the Appellant is before this Court. Representing Counsel for the Appellant submits that the Counsel on record for the Appellant already reported “no instructions” on June 26, 2025.



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2. On perusal of records, it is seen that this Court directed the Registry to send notice to the Appellant returnable by July 10, 2025. The said notice was returned with the endorsement “refused”.

3. Registry is directed to print the name of the Appellant and remove the name of the Counsel on record for the Appellant and list the matter on 18.03.2026.”

4. Pursuant to the order dated 05.03.2026, the Appellant’s name has been shown in the cause list. There is no representation for the Appellant. The Appellant was called absent.

5. Ms. Zeenath Begum, learned counsel for the Respondent Nos. 2, 3 and 9 is before this Court.

6. Despite name printed in the cause list, the appellant did not appear and conduct the Second Appeal.

7. Hence, this Court has no other option, except to dismiss this Second Appeal. Accordingly, this Second Appeal is dismissed for default. Considering the facts and circumstances of the case, there shall be no order as to costs.

MPS

18-03-2026



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To

1.The Subordinate Court,
Bhavani,
Erode District.

2.The I Additional District Munsif,
Bhavani.



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SA No. 1204 of 2



R.SAKTHIVEL J.

MPS

S.A.No.1204 of 2004

18-03-2026