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S.A(MD)No.741 of 2013
and S.A(MD)No.26 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

S.A(MD)No.741 of 2013
and
S.A(MD)No.26 of 2014

S.A(MD)No.741 of 2013 :

John Thomas

: Appellant

Vs.

Dharmaraj Robert Manickam

: Respondent

PRAYER:- Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree, dated 07.07.2011 made in A.S.No.44 of 2011 on the file of the Additional District Court (Fast Tract Court No.I), Thoothukudi, modifying the judgment and decree dated 01.03.2010 passed in O.S.No.60 of 2008 on the file of the District Munsif, Sathankulam.

For Appellant : No Appearance

For Respondent : Mr.K.Chengiz Khan



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and S.A(MD)No.26 of 2014

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S.A(MD)No.26 of 2014 :

Dharmaraj Robert Manickam

: Appellant

Vs.

John Thomas

: Respondent

PRAYER:- Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree, dated 07.07.2011 made in A.S.No.44 of 2011 on the file of the Additional District Court (Fast Tract Court No.I), Thoothukudi, partly allowing the relief 'A' alone of the judgment and decree dated 01.03.2010 passed in O.S.No.60 of 2008 on the file of the District Munsif, Sathankulam.

For Appellant : Mr.K.Chengiz Khan

For Respondent : No Appearance

J U D G M E N T

The Second Appeal in S.A(MD)No.741 of 2013, is directed against the judgment and decree, dated 07.07.2011 made in A.S.No.44 of 2011 on the file of the Additional District Court (Fast Tract Court No.I), Thoothukudi, modifying the judgment and decree dated 01.03.2010 passed in O.S.No.60 of 2008 on the file of the District Munsif, Sathankulam.



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2. The Second Appeal in S.A(MD)No.26 of 2014, is directed against the judgment and decree, dated 07.07.2011 made in A.S.No.44 of 2011 on the file of the Additional District Court (Fast Tract Court No.I), Thoothukudi, partly allowing the relief 'A' alone of the judgment and decree dated 01.03.2010 passed in O.S.No.60 of 2008 on the file of the District Munsif, Sathankulam.

3. It is seen from the records that S.A.(MD)No.741 of 2013 is pending for taking steps in respect of the deceased appellant, whereas S.A.(MD)No.26 of 2014 is pending for taking steps in respect of the deceased respondent, despite both the appeals having been posted under the caption “For Final Hearing

4. When the matters were taken up for hearing on 03.07.2026, at the request of the learned counsel appearing on either side, they were adjourned to 16.07.2026. On 16.07.2026, at the request of the learned counsel for the appellant, the matters were adjourned to 29.07.2026. When the matters were taken up on 29.07.2026, there was no representation for the appellant in both the appeals. Recording the presence of the learned counsel for the respondent in S.A.(MD)No.26 of 2014, the matters were adjourned to 06.08.2026 for



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taking necessary steps, as a final opportunity, failing which further orders would be passed.

5. When the matters are taken up for hearing today (i.e., 06.08.2026), the learned counsel appearing on either side seek further time to take the necessary steps. It is seen from the returned notice that the appellant in S.A.(MD)No.741 of 2013, who is the respondent in S.A.(MD)No.26 of 2014, died on 28.01.2023. Despite sufficient opportunities having been granted, no steps have been taken to bring the legal representatives of the deceased on record. Hence, this Court is not inclined to grant any further time. Accordingly, both the Second Appeals stand dismissed as abated. No costs.

06.08.2026

NCC : Yes :No
Index : Yes : No
Internet : Yes : No
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S.A(MD)No.741 of 2015
and S.A(MD)No.26 of 2014

To

- 1.The Additional District Court
(Fast Tract Court No.I), Thoothukudi,
- 2.The District Munsif, Sathankulam.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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and S.A(MD)No.26 of 2014

K.MURALI SHANKAR,J.

das

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S.A(MD)No.26 of 2014

06.08.2026