

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2016
CORAM
THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN
S.A.No. 1510 of 1993
C.M.P.Nos. 3458 & 3459 of 2007

Rajamanickam Pillai

...Appellant/Plaintiff

Vs.

1. Krishnaveni Ammal

2. Venkatachalam (died)

3. Krishnan

4. Indirani Ammal

5. Muniammal

...Respondents 1 to 5/

Defendants 1,3,5 to 7

6. Santhi

7. Minor Chitra

8. Minor Jaya

(RR 6 to 8 are brought on record as

legal representatives of the

deceased 2nd respondent and R6 is appointed as

guardian for minor respondents 7 & 8

vide order of this Court dated 31.08.2005

made in C.M.P.Nos. 10935 to 10938 of 1999)

(RR7 & 8 represented by their mother and natural guardian R6)

...Respondents 6 to 8

Prayer:- This Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree of the Subordinate Judge of Tiruvannamalai, dated 16.03.1993 and made in A.S.No.51 of 1988, confirming the decree of the District Munsif of Tiruvannamalai dated 20.04.1988 and made in O.S.No.1420 of 1979.

For Appellant : No Appearance

For Respondents: M/s. M.Muruganantham for R1,3
& R4

for V.Raghavachari

For Respondent 5 No Appearance

For Respondent 6 Disd vider Court order dated 19/8/15

JUDGMENT

Today, when the matter was came up for final hearing, a memo has been filed stating that the appellant has already taken back the entire back papers from the present counsel on record and given consent for change of counsel.

2. On perusal of the records this Court finds that on 29.08.2005, this Court has dismissed the second appeal for default. However, the said order was recalled by the learned Judge on 31.08.2005, on the representation of the learned Counsel for the appellant. Thereafter the appellant has not shown any sign to pursue the appeal.

3. The learned counsel for the respondents submitted that this appeal is filed by the plaintiff, who lost before both the Courts below and there is no substantial questions of law to maintain this appeal.

4. In any event, this Court is of the view that the appellant is not interested in pursuing the appeal hence this appeal liable to be dismissed for non prosecution.

5. Accordingly, the second appeal is dismissed for non prosecution. No orders as to costs. Consequently connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge
Tiruvannamalai.

2. The District Munsif
Tiruvannamalai.

+1 cc to Mr.N.Damodaran Advocate sr 60788

S.A.No. 1510 of 1993
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vd(co)
aa22/11/2016