

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.1687 of 1996

1.Perumalsamy

2.Bakiyam

...Appellants/Plaintiffs

Vs

1.S.R.V Nelagiri Chettiyar

2.Rajamani

... Respondents/Defendant

Prayer:- Second Appeal has been filed under Section 100 of C.P.C., against the judgment and decree dated 30.03.1994 in A.S.No.93 of 1991 passed by the learned Subordinate Judge, Gobichettipayalam, confirming the judgment and decree dated 10.07.1991 in O.S.No.589 of 1989 passed by the learned District Munsif, Sathyamangalam.

For Appellants : Mr.B.Kumarasamy

For R.1 : Died

For R.2 : Mr.V.Nicholas

JUDGMENT

When the matter was called on 11.11.2016, there was no representation for the appellants. Hence, the matter was directed to be listed today (22.11.2016) under the caption "for dismissal".

2.Today, the learned counsel on record for the appellants appeared and made a submission that he has no instruction from the appellants. Without instruction from the appellants, the learned counsel is unable to argue the matter before this Court.

3.It is reported by the learned counsel for the respondents that the first respondent died long before. It is seen from the records that no steps have been taken by the appellants to bring on record the legal representatives of the deceased first respondent.

4.In view of the above position, keeping this Second Appeal pending will not serve any purpose further. Accordingly, the second appeal is dismissed for default. There shall be no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jbm

To

1.The Subordinate Judge,
Gobichettipayalam.

2.The District Munsif,
Sathyamangalam.

3.The Section Officer
VR Section High Court Madras

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