

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

S.A. No.776 of 1997

and

C.M.P.No.196 of 2011

1. Sengi Sambar,
2. Subramania Sambar,
3. Ganesa Sambar,
4. Kuppusamy Vaikkarar
5. Ramaiyan
6. Murugan,
7. Krishnan (deceased)
8. Singaru (deceased)
9. Kuppusamy
10. Rengasamy (deceased)
11. Ganesan
12. K. Moorthy
13. Lakshmi
14. S. Ayyapillai,
15. S. Bangammal
16. R. Kaliaperumal

(Appellants 12 and 13 are brought on record as legal heirs of the deceased 7th appellant, Appellants 14 and 15 are brought on record as legal heirs of the deceased 8th appellant and Appellant 16 is brought on record as legal heirs of the deceased 10th appellant ---- vide Order of Court dated 19.12.2011 made in C.M.P.Nos.1059 to 1067 of 2011) ... Appellants

WEB COPY

Vs.

1. Koothanallur Milattur Rassol
Mustafa Sal Nambagam Rep. By
its Managing Trustee
W.A. Abdul Rahim.

2. Kittu

... Respondents

PRAYER : Second Appeal filed under Section 100 of Civil Procedure Code against the decree and Judgment of the Principal District Judge, Nagapattinam passed in A.S.No.86 of 1994, dated 24.06.1996 confirming the decree and judgment of the Subordinate Judge, Thanjavur passed in O.S.No.341 of 1992, dated 30.08.1993.

For Appellants : No appearance

For Respondents : No appearance

J U D G M E N T

The learned counsel for the appellants has filed a memo stating that there is no instruction from his client. The perusal of records, reveals that when this matter was taken up for final disposal on 03.08.2010, there was no representation, so appeal was dismissed for default. Thereafter, the appellants have taken out an application for restoration of the appeal, which was allowed by this Court on 24.11.2010. After restoration, three appellants viz., Krishnan, Singaru and Rengasamy died and applications to bring their legal heirs on record were filed and the same were allowed. Thereafter, there is no sign of interest on the part of the appellants to pursue the case. Today, a memo with specific averment stating that the appellants have not given any instruction to the counsel, has also been filed. Recording the same, the Second Appeal is dismissed for non prosecution. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Judge,
Nagapattinam.

2. The Subordinate Judge,
Thanjavur.

3 The Section Officer, VR Section,
High Court, Madras

+1cc to Mr.V. Srinivasan, Advocate, S.R.No.65726

nrjk(CO)

md(02/12/2016)

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