

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

S.A.Nos.198 & 199 of 1999 and
C.R.P. (PD) No. 1986 of 2008

S.A.Nos.198 of 1999:

1.Krishna Rao
2.Suthendran ... Appellants

Vs.

Chinna Ramasamy @ Ramasamy Gounder ... Respondent

S.A.Nos.199 of 1999:

1.Krishna Rao
2.Suthendran ... Appellants

Vs.

1.Chinna Ramasamy @ Ramasamy Gounder
2.Johnbi @ Kasthuri ... Respondents

(R2 given up as unnecessary party)

Second Appeals have been filed under Section 100 of the Civil Procedure Code against the judgment and decree in A.S.Nos.26 & 25 of 1998 dated 23.10.1998 on the file of the Sub Court, Gobichettipalayam, modifying the judgment and decree in O.S.Nos.94 & 143 of 1994 on the file of the District Munsif Court, Sathyamangalam dated 29.01.1998.

For Appellants : Name printed in cause list
(in both S.As) (NA)

For Respondents : Mr.M.Narayanasamy
(Sole Respondent in S.A.No.198 of 1999
& R1 in S.A.No.199 of 1999)

C.R.P. (PD) No. 1986 of 2008:

Chinna Ramasamy @ Ramasamy Gounder

... Petitioner

Vs.

1.V.G.Valsamma
2.Johnbi @ Kasthuri
3.Krishna Rao
4.Suseendran

... Respondents

(R3 & R4 remained exparte before Trial Court, hence given up in this C.R.P.)

Prayer: The Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and final order passed by the District Munsif Court, Sathyamangalam, dated 26.03.2008 made in I.A.No.957 of 2007 in O.S.No.92 of 2002.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.R.T.Doraisamy for R1 & R2
R3 & R4 - given up

COMMON JUDGMENT

These matters are posted before this Court under the caption "Specially Ordered".

2. When these matters were listed on 19.12.2016, this Court has recorded the fact that the learned counsel appearing for the appellants filed a memo dated 13.09.2013 reporting no instructions and also recorded that in the event of second appeals being dismissed, the Civil Revision Petitions would become infructuous and therefore, directed the Registry to print the name of the learned counsel for the appellants or otherwise, print the name of the appellants and list it today.

3. Heard the submissions of the learned counsel appearing for the petitioner and the respondents in the Civil Revision Petition as well as the learned counsel appearing for the respondents in the second appeals.

4. Though the appearance of the learned counsel for the appellants have been withdrawn as early as on 13.09.2013, the appellants in the second appeals have not engaged the services of any other counsel and though their names appear in the cause list and their names are also called thrice, there is no representation on their behalf. Therefore, both the second appeals are dismissed for default. No costs.

5. In the light of the submission made by the respective learned counsel appearing for the parties in the Civil Revision Petition that in the event of the second appeals being dismissed, nothing survives for adjudication. Therefore, Civil Revision Petition is dismissed as infructuous. No costs.

sd/
Assistant Registrar(CS II)

/true copy/

Sub Assistant Registrar

jvm

Note: Registry after drafting certified copy of the orders, shall send back the records to the lower Court.

To

- 1.The Principal District Munsif Court,
Sathyamangalam.
- 2.The Sub Court,
Gobichettipalayam.

Copy to:

The Record Keeper,
VR Section, High Court, Madras.

+4cc to M/s.M.Narayanaswamy Advocate SR.No.6080
+2cc to M/s.R.T.Doraisamy Advocate SR.No.5809

S.A.Nos.198 & 199 of 1999 and
C.R.P. (PD) No. 1986 of 2008

RP(CO)
GN(15/02/2017)

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