

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 23.02.2017****CORAM****WEB COPY****The HONOURABLE MR.JUSTICE M.DURAI SWAMY****S.A(MD)Nos.151 & 152 of 2014****1.S.A(MD)No.151 of 2014:-**

1.Subramanian
2.Ganesan
3.Ramachandran .. Appellants/Appellants/Defendants

Vs.

1.Muthammal
2.Sivapackiyam
3.Chinnammal .. Respondents/Respondents/Defendants

Prayer:- Second Appeal is filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 28.10.2009 made in A.S.No.7 of 2009 on the file of the II-Additional Sub Court, Trichy, confirming the Judgment and Decree, dated 17.10.2008 made in O.S.No.254 of 2002 on the file of the District Munsif Court Thuraiyur.

For Appellants : No appearance

2.S.A(MD)No.152 of 2014:-

Ramachandran .. Appellant/Appellant/Plaintiff

Vs.

1.The District Collector,
Trichy,
Trichy District.
2.The Tahsildar,
Musiri, Trichy District.
3.Muthammal
4.Sivapackiyam
5.Chinnammal .. Respondents/Respondents/Defendants

Prayer:- Second Appeal is filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 28.10.2009



made in A.S.No.25 of 2009 on the file of the II-Additional Sub Court, Trichy, confirming the Judgment and Decree, dated 17.10.2008 made in O.S.No.272 of 2002 on the file of the District Munsif Court Thuraiyur.

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For Appellants : No appearance

COMMON JUDGMENT

When the matters were listed for hearing on 27.09.2016, since the learned counsel appearing for the appellants reported 'no instructions', the Registry was directed to issue notice to the appellants. Pursuant to the order of this Court, the Registry sent drafted notice to the appellants. The drafter notices sent to the appellants 1 and 3 in S.A(MD)No.151 of 2014 and the appellant in S.A(MD)No.152 of 2014 were duly served on them. Though their names have been printed in the cause-list, none appeared for the appellants 1 and 3 in S.A(MD)No.151 of 2014 and the appellant in S.A(MD)No.152 of 2014. The drafted notice sent to the second appellant in S.A(MD)No.151 of 2014 was returned 'unserved', since he died.

2.When the matters were listed for hearing on 22.02.2017, though the names of the appellants 1 and 3 in S.A(MD)No.151 of 2014 and the appellant in S.A(MD)No.152 of 2014 have been printed in the cause-list, none appeared for them. In these circumstances, the Registry was directed to list the matters under the caption 'for dismissal' on 23.02.2017. On 23.02.2017, ie., today, though the names of the appellants 1 and 3 in S.A(MD)No.151 of 2014 and the appellant in S.A(MD)No.152 of 2014 have been printed in the cause-list, none appeared for them. Hence, this Court has no other option except to dismiss the appeals for non-prosecution.

3.Accordingly, these Second Appeals are dismissed for non-prosecution. However there shall be no order as to costs.

Sd/-

Assistant Registrar(R)

/True copy/

Sub Assistant Registrar

To

- 1.The II-Additional Subordinate Judge, Trichy.
- 2.The District Munsif, Thuraiyur.

S.A(MD)Nos.151 & 152 of 2014
23.02.2017