



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)No.539 of 2016
and C.M.P(MD)No.6747 of 2016

1.Bose
2.Samidurai
3.Singadurai
4.Sussendran

.. Appellants/Appellants/Plaintiffs

Vs.

1.Paulsamy
2.Sankaralingam
3.Sankar

.. Respondents/Respondents/Defendants

Prayer:- Second Appeal is filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 30.09.2010 made in A.S.No.25 of 2010 on the file of the Sub Court, Ramanathapuram, confirming the Judgment and Decree, dated 02.12.2009 made in O.S.No.49 of 2007 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai.

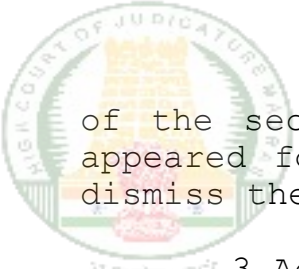
For Appellants : No appearance

For Respondents : Mr.S.A.Ajmal Khan(R.3)

JUDGMENT

When the matter was listed for hearing on 22.09.2016, 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, which was duly received by the second appellant and his name has also been printed in the cause-list, however, none appeared for the second appellant. Notices sent to the appellants 1, 3 and 4 were returned with an endorsement 'No residence'.

2.When the matter was listed for hearing on 22.02.2017, though the name of the second appellant has been printed in the cause-list, none appeared for him. In these circumstances, the Registry was directed to list the matter under the caption 'for dismissal' on 23.02.2017. On 23.02.2017, ie., today, though the name



of the second appellant has been printed in the cause-list, none appeared for him. Hence, this Court has no other option except to dismiss the appeal for non-prosecution.

3. Accordingly, this Second Appeal is dismissed for non-prosecution. However there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

SD/-

ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Sub Judge,
Ramanathapuram.

2. The District Munsif cum Judicial Magistrate,
Thiruvadanai.

Ps

MAS/RSK-SKN:07.03.2017:2P/3C

S.A(MD) No.539 of 2016
and
C.M.P (MD) No.6747 of 2016
23.02.2017