

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

S.A.No.681 of 2004
and
C.M.P.No.5406 of 2004

1.Kamalanathan
2.Murugasen .. Petitioner/Defendant

Versus

G.Sivalingam .. Respondent/Plaintiff

PRAYER:This Second Appeal has been filed under Section 100 of C.P.C., against the judgment and decree dated 30.12.2002 made in A.S.No.20 of 2001 on the file of Sub-Court, Vellore in pursuant of the judgment and decree made in O.S.No.521 of 1991 dated 28.09.2001 on the file of the District Munsif Court, Vellore.

For Petitioner : Mr.T.V.Badrinathan

ORDER

There are two appellants. They were the defendants in O.S.No.521 of 1991 on the file of District Munsif Court, Vellore. The Second Appeal had come up for admission on 08.04.2004. Thereafter, no substantial progress had been made in the appeal.

2. On 14.03.2018, it is seen that the learned counsel for the appellant was not present. Thereafter, it was directed to be posted under the caption for 'dismissal' on 15.03.2018. On 15.03.2018, it was represented that the second appellant has died. The counsel was directed to take appropriate steps. The learned counsel has today filed the copy of the original postal cover sent to the second appellant which had returned with an endorsement 'deceased'.

3. The learned counsel also filed a memo, dated 27.11.2018 stated that he had thereafter addressed to the first appellant seeking details of the legal representatives of the second

appellant. The Acknowledgement card of the first appellant is produced. According to the learned counsel, the first appellant had not come forward to give necessary details regarding the legal representatives of the deceased second appellant.

4. In view of these facts, it is clear that the appellants are not interested in prosecuting the appeal. Accordingly, this Second Appeal is dismissed for non-prosecution as against the first appellant and as abated as against the second appellant. The memo shall form part of the records. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Court, Vellore
2. The District Munsif Court, Vellore.

+1 cc to Mr.T.V.Badrinathan, Advocate Sr.No.81096

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RSI (CO)
CSL/27.12.2018