

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.12.2018

Coram:

THE HON'BLE DR.JUSTICE G. JAYACHANDRAN

Second Appeal No.773 of 2004
and
C.M.P.No.6006 of 2004

1.Natesa Gounder
2.Seethammal
3.Subramanian
4.Pandurangan
5.Abaranjitham
6.Dhanam
7.Sekar
8.Murugan

.. Appellants

/versus/

Rajendran

.. Respondent

Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 30.10.2003 made in A.S.No.22 of 1996 on the file of the Sub Judge, Kallakurichi confirming the judgment and decree dated 26.03.1991 made in O.S.No.744 of 1985 on the file of the District Munsif, Kallakurichi.

For Appellants : No appearance

For Respondent : Mrs.R.Meenal

J U D G M E N T

When the matter was listed on the earlier occasion on 27.11.2018, this Court has recorded as below:

"The first appellant is reported dead. The counsel for the appellant states that the first appellant, who is actually contesting the appeal, has been reported dead even as early as April 2018, steps have not been taken. The appellants/defendants in the suit and have suffered decree in both the trial Court and the first appellate Court.

Post the matter on 18.12.2018 under
the caption "for dismissal".

2. Today when the case is listed, there is no representation for the appellants, since the contesting appellants died and steps have not been taken, inspite of giving sufficient time and indicating the learned counsel for the appellants that if steps not taken, the matter will be dismissed.

3. In view of the above facts, this Second Appeal is dismissed for non prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Judge, Kallakurichi.

2.The District Munsif, Kallakurichi.

+1 cc to Mr.R.Subramanian, Advocate SR.No.89968

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CSL/23.01.2019

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