

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1780 of 1998

1.Andi
2.Ramayee

...Appellants/Plaintiffs
in trail court

Vs.

1.Arukkani
2.Kalian
3.Ramayee
4.Karupayee
5.Mookkayee
6.Lakshmi

...Respondents/Defendants
in trail court

PRAYER: Second Appeal filed under Section 100 Civil Procedure Code praying to prefer the Second Appeal against the Judgment and Decree dated 28.02.1997 and made in A.S.No.35/96 on the file of the Principal Subordinate Court, Salem, by modifying the Judgment and Decree dated 14.11.1995 and made in O.S.No.456/90 on the file of the District Munsif Court, Athur.

For Appellants : M/s.N.Manokaran

J U D G E M E N T

The plaintiffs/appellants filed a suit for permanent injunction restraining the respondents, their men and agents in any way interfering with the petitioner's peaceful possession and enjoyment of the suit properly which is the subject matter in O.S.No.456/90 on the file of the District Munsif, Attur.

2.The learned counsel appearing for the appellants reported this Court that the first appellant died and the second appellant is none other than the wife of the first appellant. Accordingly, the learned counsel sent a notice to the second appellant with regard to bring the legal representatives on record and he also sent a letter with regard to the present position of this case. However, the second appellant did not come forward to give any instruction to the learned counsel for the appellants. Hence, he filed a memo stating that no instructions from the parties.

3. Accordingly, the Second Appeal is dismissed as abated as against the first Appellant and the Second Appeal is dismissed for default as against the second appellant and the memo is taken on record. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Subordinate Judge,
Salem.
2. The District Munsif,
Athur.
3. The Section Officer,
V.R. Section,
High Court, Madras.

PA(CO)
SP(16/02/2018)

S.A.No.1780 of 1998



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