

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.1494 of 1998

1.Pachaiammal
2.Janardhanam
3.Mani

... Appellants/Defendants

Vs.

1.Krishnan alias Kishtappa Chetty (Died)
2.Saroja
3.Susheela
(R2 & R3 brought on record as LRs
of the deceased Sole Respondent
vide Order of this Court dated
25.08.2011 made in C.M.P.No.8839
& 8840 of 2000 in S.A.No.1494 of
1998)

... Respondents/Plaintiffs

PRAYER: Second Appeal filed under Section 100 Civil Procedure Code praying to prefer the Second Appeal against the Judgment and Decree dated 01.10.1997 passed in A.S.No.15 of 1995 on the file of the Sub-Court, Thiruvallur reversing the Judgment and Decree dated 29.10.1993 passed in O.S.No.13 of 1984 on the file of the District Munsif Court, Thiruvallur.

For Appellants/Defendants : Mr.M.S.Subramanian

For Plaintiffs/Respondents : Mr.N.R.Anantharamakrishnan
(R2-R3)
R1-Died

J U D G E M E N T

The appellants filed the Second Appeal against the Judgment and Decree dated 01.10.1997 passed in A.S.No.15 of 1995 on the file of the Sub-Court, Thiruvallur reversing the Judgment and Decree dated 29.10.1993 passed in O.S.No.13 of 1984 on the file of the District Munsif Court, Thiruvallur.

2.The learned counsel appearing for the appellants reported this Court that the above appeal was listed for final hearing on 08.12.2017 and it was adjourned to 19.12.2017. A register

letter dated 09.12.2017 with acknowledgment due has been sent to the appellants 2 and 3 viz., Janardhanam and Mani. The appellants 2 and 3 have received the said letter and the signed two postal acknowledgment cards are filed. However, the appellants 2 and 3 have not turned up. The office copy of the registered letter dated 09.12.2017 is also filed. Hence, he filed a memo stating that suitable orders may be passed in this Second Appeal.

3. In view of the memo filed by the learned counsel for the appellants, and since the 1st appellant is not interested in prosecuting the case, the Second Appeal is dismissed for non-prosecution and the memo is taken on record. However, there shall be no order as to costs.

Sd/-
Asst. Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Sub Judge,
Thiruvallur.

2. The District Munsif,
Thiruvallur.

3. The Section Officer,
V.R. Section,
High Court, Madras. (2 copies)

+ 1 cc to Mr. N. R. Anantharamakrishnan Advocate, SR.1646

+ 1 cc to Mr. M. S. Subramanian Advocate, SR.1898

सत्यमेव जयते

S.A.No.1494 of 1998

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