

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.Nos.1033 & 1034 of 2000
and
C.M.P.Nos.9437 & 9438 of 2000

- 1) N.Rangasamy ... Sole Appellant in
S.A.No.1034 of 2000 and
1st Appellant in both
S.A.No.1033 of 2000 (1st Defendant
in O.S.Nos.1830/94 and plaintiff in
O.S.Nos.1840/94)
- 2) R.Janaki ... 2nd Appellant in
S.A.No.1033 of 2000
(2nd Defendant in O.S.Nos.1830/94)
- Vs.
- V.Palanisamy ... 1st Respondent in S.A.No.1033/2000
(1st Plaintiff in O.S.Nos.1830/1994)
- V.Partharaju ... 2nd respondent in
S.A.No.1033 of 2000
(2nd Plaintiff in O.S.Nos.1830/94)
and
... 3rd respondent in
S.A.No.1034 of 2000
(3rd Defendant in O.S.Nos.1840/94)
- V.Palanisamy Naidu ... 2nd Respondent in S.A.No.1034/2000
(2nd Defendant in O.S.Nos.1840/94)
- R.Narayanasamy ... 1st respondent in
S.A.No.1034 of 2000
(1st Defendant in O.S.Nos.1840/94)
- Tmt.P.Chandra ... 4th respondent in
S.A.No.1034 of 2000
(4th Defendant in O.S.Nos.1840/94)

Common Prayer: Second Appeals have been filed under Section 100 of C.P.C. against the common Judgment and Decree, rendered in A.S.Nos.160 & 161 of 1997 respectively, on the file of I st

Additional District Judge cum Chief Judicial Magistrate,
Coimbatore dated 10.08.1998 confirming the common judgment and
decree passed in O.S.Nos.1830 & 1840 of 1994 respectively, on
the file of the 3rd Additional District Munsif Court, Coimbatore
dated 17.06.1997.

For Appellants : M/s.A.Sivaji,
in both Second Appeals

For Respondents : M/s.V.Nicholas,
in both Second Appeals

C O M M O N J U D G M E N T

As the issue involved in both the Second Appeals are one and
the same, the cases are disposed of by a Common Judgment.

2. The learned counsel for the appellants submitted that the
the first appellant in S.A.No.1033 of 2000 and the sole
appellant in S.A.No.1034 of 2000 is no more. In respect of the
second appellant in S.A.No.1033 of 2000, it is submitted by the
learned counsel that inspite of sending notice to the second
appellant, the second appellant is not responding to the notice
and the said notice returned with an endorsement 'door locked'.

3. Accordingly, S.A.No.1033 of 2000 is dismissed as 'abated'
and S.A.No.1034 of 2000 is dismissed as 'abated' as against the
first Appellant and dismissed for 'non-prosecution' as against
the second appellant. However, there shall be no order as to
costs. Consequently, connected miscellaneous petitions are
closed.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

sts

To

1.The Ist Additional District Judge cum
Chief Judicial Magistrate,
Coimbatore.

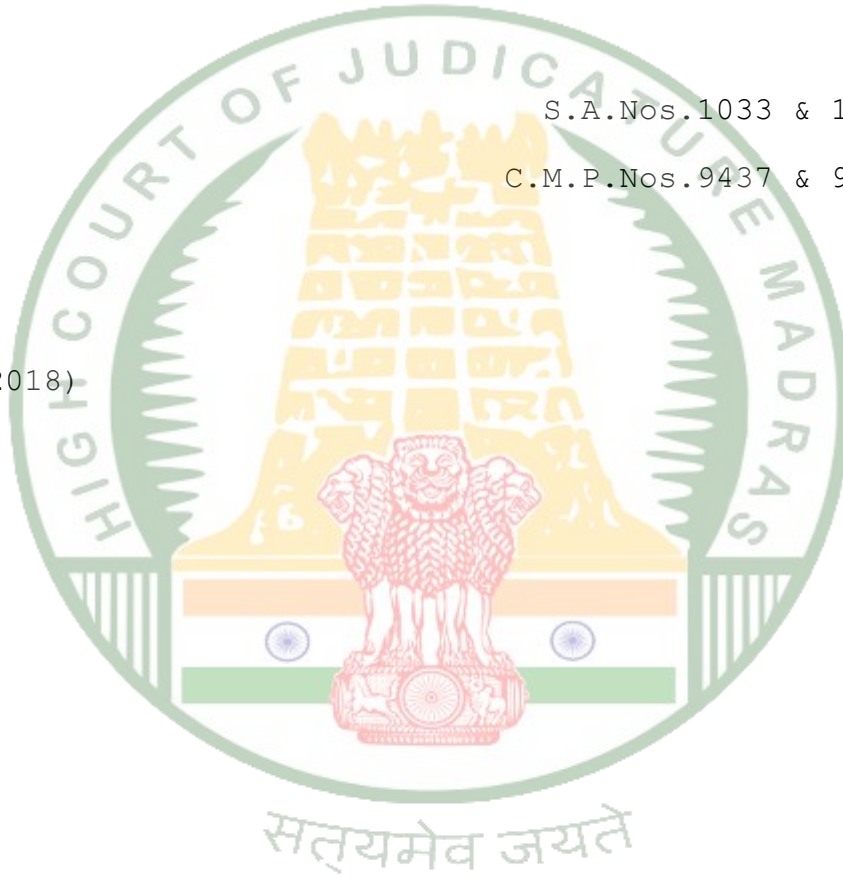
2.The 3rd Additional District Munsif
Coimbatore.

3.The Section Officer,
V.R. Section,
High Court, Madras.

+1 CC to Mr.A. Sivaji, Advocate sr 11061.
+1 CC to Mr.V. Nicholas, Advocate sr 11508.

S.A.Nos.1033 & 1034 of 2000
and
C.M.P.Nos.9437 & 9438 of 2000

SV(CO)
SP(13/04/2018)



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