

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

S.A.No.1868 of 2003

1. M.Thevaraya Pillai

2. N.Karuppaiah

.. Appellants/defendants 2&4

Vs.

1. Balasubramanian

2. R.Muthaiya

3. Saraswathy

(Respondents 2 and 3 were ex-parte
in the lower courts)

.. Respondents/Plaintiffs &
defendants 1& 3

Prayer :- Second Appeal has been filed under Section 100 of C.P.C against the judgment and decree dated 18.03.2003 made in A.S.No.439 of 2002 on the file of the learned Principal District Judge, Namakkal setting aside the judgment and decree dated 22.11.2002 made in O.S.NO.431 of 1998 on the file of the Principal District Munsif Court, Namakkal.

For the first Appellant : Died

For the second Appellant : No appearance

For the Respondent -1 : Mr.T.Dhanyakumar

For the Respondents 2 & 3 - given up

JUDGMENT

In this matter, on the death of the counsel appearing for the appellants, notice had been sent to the appellants by this Court.

2. Notice sent had been returned informing that the first appellant died and notice sent to the second appellant served.

3. Accordingly, the matter was listed on 08.02.2018, inasmuch as, there was no representation on behalf of the second appellant as well as deceased first appellant, the second appellant being called and remaining absent, Registry was directed to list the matter today, i.e. 09.02.2018 under the caption "for dismissal" , by printing the name of the appellants in the cause list.

4. Today, when the matter is called twice, the counsel for the first respondent is present. There is no representation for the appellants. Appellants called absent.

5. Resultantly, the Second Appeal is dismissed for non prosecution with costs. Consequently, connected miscellaneous petitions, if any, are closed.

MEMORANDUM OF COSTS

Stamp for Vakalatnama
Translation Printing Charges Nil

Sd/-
Assistant Registrar(CS VI)
//True Copy//
Sub Assistant Registrar

adl
To

1. The Principal District Judge, Namakkal
2. The Principal District Munsif, Namakkal.
3. The Section officer,
VR Section High Court Madras

+1 cc to M/s.T.Dhanyakumar Advocate sr10393

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aa09/04/2018

सत्यमेव जयते
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