

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

S.A.No.495 of 2004

1.S.Kumaran
2.Shanmugam
3.S.Natarajan

... Appellants/Appellants/Defendants 1 to 3

Vs.

1.R.Gnanasambanda Mudaliar
2.P.Ramachandran
3.P.Sekar
4.P.Kandavelu
5.Kalaiselvi
6.Latha
7.Eswari

.. Respondents/Respondents/Plaintiffs 1 to 4/Defendants 4 to 6

Prayer :- Second Appeal has been filed under Section 100 of C.P.C against the judgment and decree dated 22.09.2003 made in A.S.No.39 of 2003 on the file of the Principal District Judge, Vellore District confirming the judgment and decree dated 31.03.2003 made in O.S.No.995 of 1996 on the file of the Principal District Munsif Court, Vellore District.

For the Appellants : Mr.M.P.Jaya prakash
For the Respondents : No appearance

JUDGMENT

It is found that the first respondent had already died long back and despite opportunities, the appellants had not evinced interest to implead the legal representatives of the first respondent on record and to proceed with the appeal in accordance with law. It is thus seen that the appellants are not interested in the prosecution of the appeal studiously.

2. Now, it is represented that the first appellant has died without informing the date of death of the first appellant and it is thus found that even with reference to the deceased first appellant, steps have not been duly taken to implead the legal representatives to proceed with the appeal.

3. In the light of the factual position, it is found that the appeal has not been prosecuted diligently, as per law and in such view of the matter, there is no purpose in keeping the matter further pending.

4. For the reasons above stated, the Second Appeal stands dismissed as abated. No costs. Consequently connected miscellaneous petition, if any is closed.

s/d-
Assistant Registrar(CS VII)

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Sub-Assistant Registrar

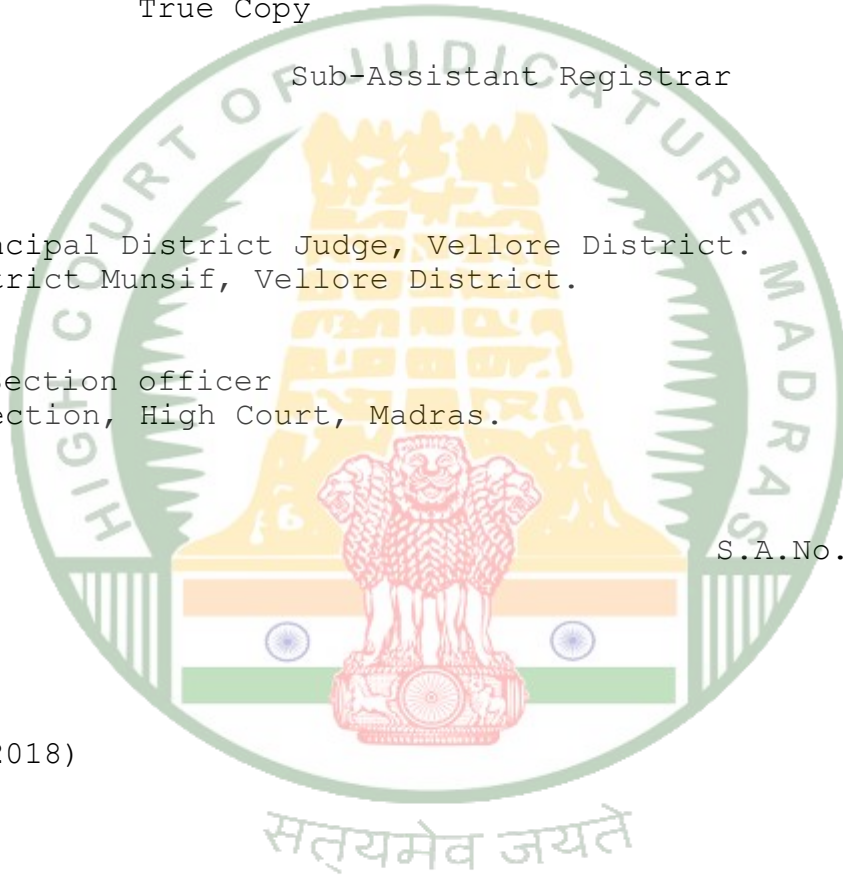
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To

- 1.The Principal District Judge, Vellore District.
- 2.The District Munsif, Vellore District.

copy to
The Section officer
VR Section, High Court, Madras.

S.A.No.495 of 2004

GJ(CO)
SP(11/04/2018)



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