



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Second Appeal (MD) No.450 of 2017
and
C.M.P. (MD) No.9525 of 2017

R.M.Shahul Hameed (died)

1.Katheejathul Kubura

2.Seeni Shakila

3.Kithal Raj Mahamed

4.Seeni Musthabehu

5.Sithi Ralia

6.Sabeea Rani : Plaintiff/Appellant/Appellant
(Appellants 3 and 4 represented through
Power Agent N.Ramanathan)

.vs.

Lakshmana Konar : Defendant/Respondent/Respondent

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code against the decree and judgement passed in A.S.No.48 of 2007, dated 15.09.2014 on the file of the Sub Court, Ramanathapuram confirming the decree and judgment in O.S.No.20 of 1995, dated 10.12.2002 on the file of the District Munsif Court, Ramanathapuram.

For Appellant : Mr.J.M.Hassanul Bazari

For Respondent : Mr.M.Thirunavukkarasu

JUDGMENT

When the matter was posted on 18.01.2018, there was no representation for appellant. Hence, the Registry was directed to post the matter on 22.01.2018 under the caption "for dismissal". Again when the matter came up on 22.01.2018 under the caption "for dismissal", there was no representation for the appellant. Once again the matter was directed to be posted today i.e., on 25.01.2018 under the caption "for dismissal". Even today, there is no representation for the appellant. It is seen that the second appeal was filed with a delay and the delay was condoned and the learned counsel for the appellant has been taking adjournments periodically whenever the matter is posted under the caption "for admission" or "for adjourned admission".



2. Having regard to the attitude of the learned counsel for the appellant, this Court has no other option but to dismiss this Second Appeal for non-prosecution. Accordingly, this Second Appeal is dismissed for non-prosecution. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Sub Court,
Ramanathapuram.

2. The District Munsif ,
Ramanathapuram.

+One cc to Mr.M.Thirunavukkarasu, Advocate, SR.No.44365

SRM

RL/4C/2P/KKR/SAR4/12/2/2018

Judgment made in

Second Appeal (MD) No.450 of 2017

25.01.2018