

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.07.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

A.S.No.789 of 2008

and

C.M.P.No.1 of 2008

1. Minor Sivasudan
S/o.Karthikeyan

2. Minor Sivareakha
D/o.Karthikeyan

both represented by their
next friend & guardian

B.KaliamurthyAppellants/Plaintiffs

Vs.

1. C.Ramachandran

2. R.Radha (Deceased)

3. P.R.Chidambaram

4. C.Subramanian

5. S.Karthikeyan

6.Sundarambal

7. R.Appasamy

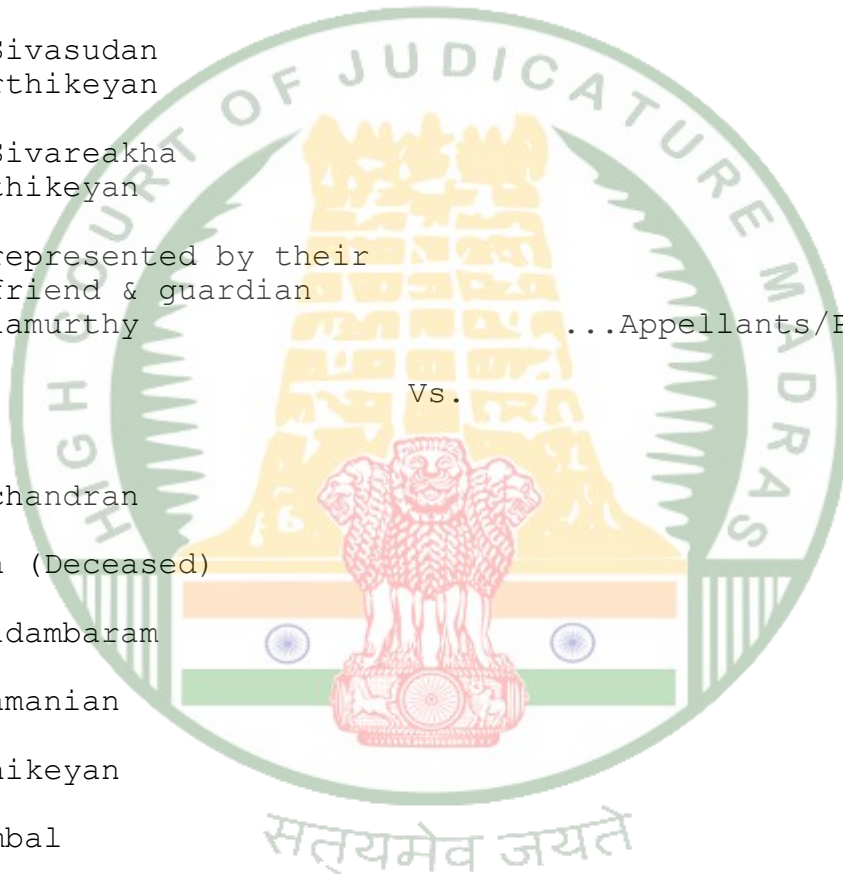
8. K.Natarajan

9. M.Thyagarajan

10.K.Kalimuthu

11.Sellappan

12.K.S.Duraiswamy



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13.R.Balashanmugam

14.J.Renukadevi

15.R.Tamilarasi

[RR1, RR3 to RR12 in O.S
called absent. Set exparte.
Not necessary parties in this A.S]

[RR14 and R15 brought on record
as LRs of the deceased 2nd respondent
vide order of this Court dated 02.01.2018
made in M.P.No.1 of 2011 in A.S.No.789 of
2008] ...Respondents

Prayer: First Appeal filed under Section 96 of C.P.C., against
the decree and judgment in O.S.No.121 of 2005 dated 21.04.2008
on the file of the First Additional District Judge of Coimbatore.

For Appellants :Mr.S.Saravanakumar
for Mr. Sudhakar

For RR13 : Mr.S.V.Jayarman, SC
for M/s. V.Sanjeevi

For RR1 & RR3 to R12: Set exparte

For RR14 & R15 : No appearance

J U D G M E N T

Counsel for R13 present.

2. As could be seen from the notes paper, the matter
has been listed now and then for enabling the appellants to take
steps for the deceased parties. Despite several indulgence, the
appellants have not taken proper steps to implead the L.Rs of
the deceased parties and proceed with the appeal further.

3. Furthermore, at one stage of the matter, it is seen
that the matter has been listed under the caption " for
dismissal" and on the representation of the appellants' counsel
that he would take steps for the deceased parties immediately,
the matter has been adjourned today.

4. Today, the counsel for the appellants sought further
time for taking steps for the deceased parties. The above
request is declined. Considering the above position, as
sufficient time had already been granted to the appellants to
take steps for the deceased parties and to proceed further in

the matter and on the other hand as the appellants had not evinced interest to take appropriate steps as per law, there is no purpose in keeping this First Appeal further pending.

5. In the light of the above position, the First Appeal is dismissed for non-prosecution with costs. Consequently, connected miscellaneous petition, if any, is closed.

MEMORANDUM OF COSTS

AS 789 OF 2008

Respondent (Defendant's) Costs

	Rs. p
Stamp for Vakalatnama	10 00
Advocate's fee FC Not Filed	
Translation and Printing/Typing charges	118 00
To be paid by the Appellant to the Respondent()	

	128 00

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

mfa

To

The First Additional District Judge,
First Additional District Court,
Coimbatore.

Copy To : The Section Officer,
VR Section, High Court, Chennai.

+1cc to Mr.V.Sanjeevi, Advocate SR.No.62600

A.S.No.789 of 2008
and
C.M.P.No.1 of 2008

PM (CO)
GMY (01/11/2019)