

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.528 of 2006

and

C.M.P.Nos.3325, 3326 & 6955 of 2006

1.K.Palanisamy (deceased)

2.Central Higher Secondary School,
rep. by K.Palanisamy,
A.Nagoor, Pollachi Taluk,
Coimbatore District.

3.Vivekananda Manavar Illam,
rep. by K.Palanisamy,
A.Nagoor, Pollachi Taluk,
Coimbatore District.

4.P.Maragatham

5.P.Jayakumar

6.P.Kuppuraj Kumar

... Appellants
Appellants 4 to 6 are brought on record as LRS of the deceased 1st Appellant
vide made of this court dt.5.506 are in CMP.6954/06 (Defendants 1,3 & 4 and
LRS of 1st Defendant)

Vs.

1.K.Thirunavukasu

...1st Respondent/2nd Defendant

2.R.K.Ramasamy

...2nd Respondent (Plaintiff)

3.P.Sakthivel

4.N.Gugasekaran

... Respondents 3&4
(Defendants 5 &6)

Prayer: Civil Miscellaneous Appeal filed under Order XLIII
Rule 1 (s) of the CPC, to set aside the fair and final order
dated 23.01.2006 made in I.A.No.348 of 2005 in O.S.No.213 of
2004 on the file of Additional District cum Sessions Judge
(Fast Tract Court No.2), Coimbatore.

For Appellants : Mr.K.Muthukumaraswamy
For R1 : Mr.R.Bharath Kumar
For R2 to R4 : No appearance

J U D G M E N T

The appellants are aggrieved by the fair and final order dated 23.01.2006 passed by the Additional District Cum Sessions Judge, (Fast Track Court No.2) in I.A.No.348 of 2005 in O.S.No.213 of 2004.

2.By the impugned order in I.A.No.348 of 2005, the Additional District cum Sessions Judge had appointed a Receiver for administration of the suit properties and to file first report by 03.02.2006.

3.Aggrieved by the impugned order, the appellants has been filed the present Civil Miscellaneous Appeal.

4.The learned counsel for the appellants submits that the 1st appellant died who represented other appellants. The 4th to 5th appellants are legal representatives of the 1st appellant and they were impleaded vide order dated 05.05.2006 in C.M.P.No.6954 of 2006 in the present Civil Miscellaneous Appeal.

5.Notice on the respondents has not been served till the date. The learned counsel for the appellants further submitted that he has no instructions from the 4th to 5th appellants legal representatives of the 1st respondent and therefore appropriate orders may passed in the present appeal.

6.It appears that the appellants are not interested in prosecuting the present Civil Miscellaneous Appeal.

7.Consequently, the present Civil Miscellaneous Appeal is dismissed for non-prosecution. No cost. Connected, Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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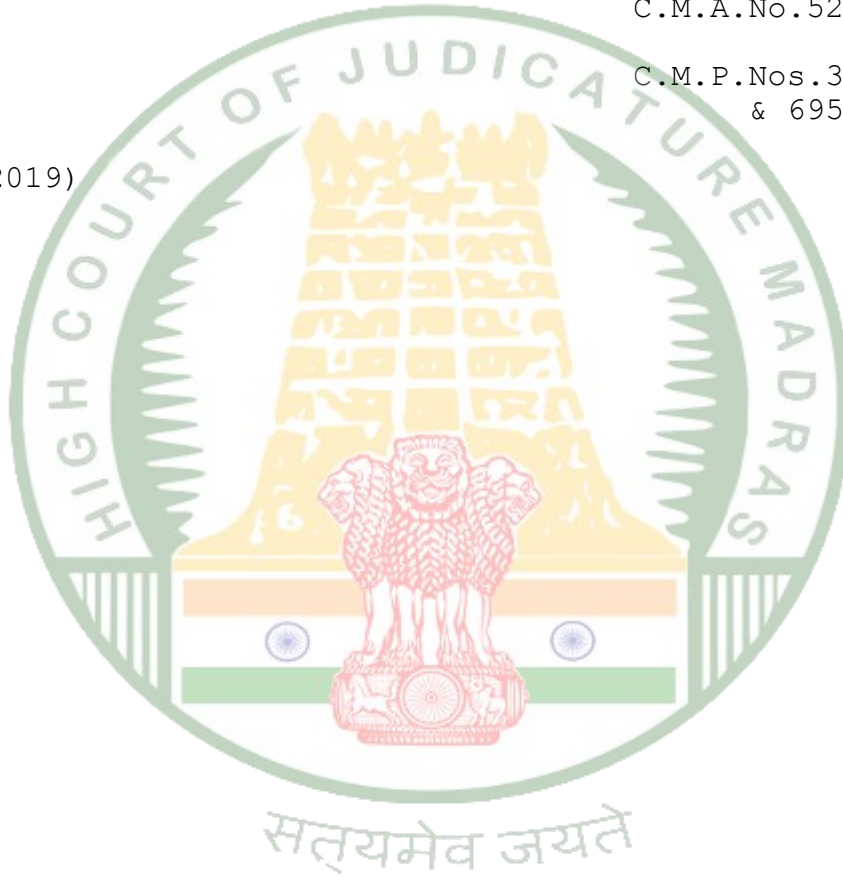
To

1.The Additional District
cum Sessions Judge
(Fast Track Court No.2), Coimbatore.

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

C.M.A.No.528 of 2006
and
C.M.P.Nos.3325, 3326
& 6955 of 2006

SV(CO)
CB(04/12/2019)



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