

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2019

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

S.A.No.1731 & 1732 of 2003

1.Vella Gounder
2.Veerakutti ...Appellants in S.A.No.1731 of 2003

1.Veerakutti
2.Vella Gounder ...Appellants in S.A.No.1732 of 2003

Vs

1.Duraisamy @ Perumal
2.Allimuthu ...Respondents in S.A.No.1731 of 2003

1.Perumal Gounder
2.Ayyaperumal
3.Allimuthu
4.Rakka gounder
5.Muthusamy
(R4 and R5 set exparte ...Respondents in S.A.No.1732 of 2003

Prayer: The Second Appeals are filed under Section 100 of CPC, against the judgment and decree made in A.S.No.48 & 49 of 1999 dated 21.12.1999 on the file of the Subordinate Court, Bhavani, against the judgment and decree made in O.S.No.359 & 478 of 1995 dated 19.02.1999 on the file of the Additional District Munsif Court, Bhavani.

For Appellants : Mr.S.Kaithaimalai Kumaran
(in both second appeals)

For R1 : Mr.T.Murugamanickam
(in both second appeals)

For R2 :Not Claimed in S.A.No.1731 of 2003
For R2 & R3 :Not claimed in S.A.No.1732 of 2003
For R4 & R5 : Exparty in S.A.No.1732 of 2003

JUDGMENT

The learned counsel for the appellants submitted that instructions have not been forwarded by the appellants in S.A.No.1731 of 2003 & S.A.No.1732 of 2003, to proceed with the appeals. Learned counsel for the appellants had also made the following endorsement "The counsel for the appellant reports no instruction". Thus, it is clear that the appellants in S.A.No.1731 of 2003 & S.A.No.1732 of 2003 are not interested in prosecuting the respective second appeals.

3. It is also stated that the first respondent in both the second appeals have died.

4. Consequently, both the Second Appeals are dismissed, both on the ground of abatement and also on the ground of non-prosecution. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

smv

To

1. The Subordinate Judge, Bhavani.
2. The Additional District Munsif, Bhavani.
3. The Section Officer, VR Section
Madras High Court

सत्यमेव जयते

S.A.No.1731 & 1732 of 2003

NMI (CO)
SP(07/02/2019)

WEB COPY