

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20..03..2019
CORAM
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN
Second Appeal No.467 of 2016
and
C.M.P.No.7788 of 2016

1.Yovan
2.M.Yesupatham
3.Samson

... Appellants

-Versus-

1.Sarala Manavalan
2.James
3.Ratchal Hemamalini
4.Joyce

.... Respondents

This second appeal is filed under Section 100 of CPC., against the judgment and decree dated 03.12.2015 made in A.S.No.32 of 2015 by the learned Subordinate Judge, Ranipet, confirming the judgment and decree dated 16.03.2015 made in O.S.No.124 of 2001 by the learned District Munsif, Ranipet.

For Appellants : No Appearance
For Respondents 1&3 : No Appearance
R2 & R4 : No Appearance

JUDGMENT

When this second appeal came up for hearing as early as on 01.06.2017, this court passed the following order:-

"Learned counsel for the appellants has filed a memo stating that the appellants had obtained change of vakalath. Registry is directed to verify whether any other counsel has entered appearance and if so, print his name , otherwise, print the name of the appellants."

Though the names of the appellants have been printed in the cause on all the subsequent hearing dates, consistently there was no representation for the appellants.

2. When the matter came up for hearing lastly on 19.03.2019, again there was no representation on behalf of the appellants and therefore, this court had passed the following order:-

"It is seen from the records that earlier when the matter came up for hearing on 01.06.2017, it was submitted by the learned counsel for the appellants that he had given

change of vakalath. He had also filed a memo to that effect. Therefore, this court directed the matter to be listed with the name of the appellants printed in the cause list. Even today, despite the name of the appellants printed in the cause list, the appellants have not chosen to appear either in person or through a counsel. However, in order to give an opportunity to the appellants, the Registry is directed to list this matter on 20.03.2019 under the caption "For Dismissal".

3. Even today, though the names of the appellants have been printed in the cause list, they have not chosen to enter appearance either in person or through a counsel despite change of vakalath has been obtained from the learned counsel, who was on record for the appellants. Thus, it appears that the appellants are not interested in prosecuting the matter further. Therefore, this second appeal is dismissed for non prosecution. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Subordinate Judge, Ranipet, Vellore District.

2.The District Munsif, Ranipet, Vellore District.

+1 cc to Mr.P.Mani, Advocate, Sr.No. 26948

Second Appeal No.467 of 2016

CSL/07.05.2019

WEB COPY