



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2019

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THE HONOURABLE MRS. JUSTICE R. THARANI

S.A. (MD)No.35 of 2010

N.Gurusamy

.. Appellant/Respondent/Plaintiff

Vs.

1.C.Nagamani, (Died)

(R-1 Died Memo USR.No.1527/13

vide order dated 13.06.2013).

2. S.Chidambaram

.. Respondents/Appellants/Defendants

Prayer : This Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree passed in A.S.No.53 of 2004 on the file of the learned Subordinate Judge, Sivakasi, dated 07.07.2005, reversing the judgment and decree passed in O.S.No.67 of 2004 on the file of the learned District Munsif, Sattur, dated 16.07.2004.

For Appellant : No appearance

For R2 : Mr.M.Thirunaukkarasu

R1 : Died

J U D G M E N T

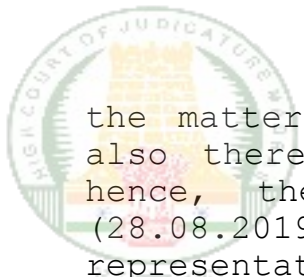
Today (28.08.2019), when the matter was taken up for hearing, there was no representation on the side of the appellant. The learned counsel for the second respondent is present.

2.Records perused.

3.When the matter was posted on 08.03.2010, there was no representation on the side of the appellant. Thereafter, the matter was listed on 03.06.2013, on that day there was no representation on the side of the appellant hence, the matter was adjourned to 10.06.2013 for disposal on merits or for dismissal. On 13.06.2013, it was stated that the first respondent is dead, but no steps was taken, though the matter was adjourned to 03.07.2013, 11.07.2013, 24.07.2013, 04.09.2013, 12.09.2013, 03.12.2013, 17.12.2013, again on 16.07.2019.

4.On 05.08.2019, when the matter was taken up for hearing, there was no representation on the side of the appellant and hence,

<https://hcservices.ecourts.gov.in/hcservices/>



the matter was adjourned to 19.08.2019, on that day (19.08.2019) also there was no representation on the side of the appellant, hence, the case is posted today (28.08.2019). Even today (28.08.2019), the matter was taken up for hearing, there was no representation on the side of the appellant.

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5.The Second Appeal is pending from the year 2010 and the first respondent was reported dead on 13.06.2013. For the past seven years the appellant has not taken any steps to implead the legal representatives of the deceased first respondent, there is no use in keeping the appeal pending further.

6.In the above circumstances, this Second Appeal is dismissed for default. No costs.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Sivakasi.

2.The Principal District Munsif,
Sattur.

3.The Section Office,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-84381[F] dated
30/08/2019)

S.A.(MD)No.35 of 2010
28.08.2019

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JM/30.09.2019/2P/6C