

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAYAN

Second Appeal No.749 of 1999

Thimmaiah Naidu : 1<sup>st</sup> Plaintiff/1<sup>st</sup> Respondent/Appellant

vs.

1. K.G.Raajaraman

2. Jayammal

3. Rishi Keshavan

4. Venkatachalapathy

5.Govindarajan

: 2<sup>nd</sup> Defendants (Lrs of 1<sup>st</sup> Defendant)  
Appellant 2 to 6/Respondents 1 to 5

6.Subbash

7. Anusuya

8. Thulasiraman

9. Venkatammal

10.Muthammal

: Defendants 3 to 6/Respondents 3 to 6  
Respondents 7 to 10

Second Appeal filed under Section 100 C.P.C., against the judgment and decree dated 26.11.97 passed in A.S.No.39 of 1995 on the file of Court of First Additional District Judge and Chief Judicial Magistrate of Krishnagiri in modifying the judgment and decree dated 12.1.1995 passed in O.S.No.657 of 1987 on the file of the Court of the District Munsif of Krishnagiri.

For appellant : No appearance

For Respondent : R1, R2, R4 to R8-notice served  
R3, R9 - died

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JUDGMENT

The matter has been adjourned several times for taking steps to implead the legal heirs of the deceased respondents 3 and 9. When the matter was called on 3.12.2019, learned counsel for the appellant seeks time to verify the existence of the appellant and hence the matter was posted on 17.12.2019, subsequently, when the matter was called on 17.12.2019, as there was no representation for the appellant, the matter was

directed to be listed under the caption 'for dismissal' on 3.1.2020. Even today, when the matter is taken up for hearing, there is no representation for the appellant, which shows that the appellant is not interested in prosecuting the appeal. Therefore, this appeal is dismissed for non prosecution. No costs.

Sd/-  
Assistant Registrar(CS-III)

// True Copy//

(msr) Sub Assistant Registrar

To :

- 1.The First Additional District Judge and Chief Judicial Magistrate of Krishnagiri
2. The District Munsif of Krishnagiri.
3. The VR Section, High Court, Madras.

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PVS (CO)  
CSR: 19.02.2020



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