



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

S.A.NO.827 OF 1999

1. V.T.Krishnan,
S/o.Thavasi Padayachi,
Agrahara Vazhappadi Village,
Vazhappadi Village, Salem Taluk.
2. V.A.Ramachandran,
Agrahara Vazhappadi Village,
Vazhappadi Village, Salem Taluk. ...Appellants/Defendants

/versus/

1. Jagadeesan,
S/o.Marimuthu Padayachi,
Vazhappadi Village, Salem Taluk.
2. Perumal, S/o.Chinnathambi Gounder,
Agrahara Vazhappadi Village,
Vazhappadi Village, Salem Taluk. ...Respondents/Plaintiffs

Prayer: Second Appeal is filed under Section 100 of Civil Procedure Code, praying against the judgment and decree dated 10.03.1999 and made in A.S.No.40 of 1998 on the file of Principal Sub-Court, Salem reversing the Judgment and Decree dated 11.09.1998 and made in O.S.No.429 of 1997 on the file of Principal District Munsif, Salem.

For Appellants : No appearance

For Respondents : No appearance

J U D G M E N T

This Second Appeal is pending since 1999. Earlier, when the case was listed on 12.01.2017, this Court recoding the no instruction report submitted by the Learned Counsel for the appellants, directed the Registry to serve notice to the appellants through post and list the matter on 24.01.2017. Thereafter, again the case was listed on 24.06.2019, wherein,

the Registry report discloses the died of the 1st appellant and for the 2nd appellant notice could not be served. In the meanwhile, the Learned Counsel for the respondents have filed memo stating that the 1st respondent Jagadeesan died on 19.04.2008.

2. In the said circumstances, inspite of Court notice either the 2nd Appellant nor the LR's of the 2nd Appellant have not shown any interest in pursuing this appeal. This Court is of the view that keeping pending of record any further is a futile exercises. Accordingly, the Second Appeal is dismissed for non-prosecution. No costs.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

bsm

To

- 1.The Principal Subordinate Judge,
Principal Sub Court,
Salem.
- 2.The Principal District Munsif,
Salem.
- 3.The Section Officer,
VR Section, High Court,
Madras.

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