

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.M.S.A.No.43 of 2003
and C.M.P.No.14454 of 2003

1.Shanmugam

2.Ragu alias Chanthirasegaran

.... Appellants/Appellants/
Respondents 5 & 6/Obstructors

Vs.

1.Rajavelou

... Respondents/Respondent/ Decree
Holder/Petitioner

2.Amurtham alias Ranganayagi

3.Veerappan

4.Kaliaperumal

5.Lakshmi

... Respondents 1 to 4/Respondents 1 to 4/
Judgment Debtors/Respondents 1 to 4

Appeal filed under Section 104 of the Code of Civil Procedure against the judgment and decree dated 31.01.2003 in A.S.No.35 of 2002 on the file of the Principal District Judge, Pondicherry, confirming the fair and decreetal order dated 30.03.2002 in E.A.No.658 of 1998 in E.A.No.637 of 1997 in E.P.No.59 of 1995 in O.S.No.1010 of 1993 on the file of the Principal District Munsif, Pondicherry.

Appellants : 1.Shanmugam - no appearance
2.Ragu alias Chanthirasegaran - no appearance

For Respondents : Mr.T.M.Nareen (R1)
R2 - no appearance
R3 to R5 - not ready in notice

O R D E R

The learned counsel for the appellants filed a memo dated 11.11.2019 reporting "no instructions". Therefore, this Court directed the Registry to send drafted notice to the appellants. Pursuant to the said order, drafted notice sent to the 1st appellant was duly served and his name has been printed in the cause list. It was brought to the notice of this Court that the 2nd appellant had died and no steps have been taken to bring on

record the legal representatives of the deceased 2nd appellant. In such circumstances, the names of the appellants have been printed in the cause list on 02.03.2020. However, none appeared for them. Therefore, the Registry was directed to list the matter under the caption "for dismissal" on 03.03.2020. Though the matter was listed under the caption "for dismissal", today also none appeared for the appellants. Hence, this Court has no other option except to dismiss the Civil Miscellaneous Second Appeal for non-prosecution. Accordingly, the Civil Miscellaneous Second Appeal is dismissed for non-prosecution. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The Principal District Judge,
Pondicherry.
- 2.The Principal District Munsif,
Pondicherry.

Copy to

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.D.Kamatchi, Advocate Sr.18598

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srg 17/04/2020

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