

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.1014 of 2009
(Heard through video conferencing)

1.N.Mukunthan
S/o Late Narasimhan

2.N.Easwaran,
S/o Late Narasimhan

Both residing at
No.W-46, Plot No.4408
7th Street,
'W' Block, Anna Nagar,
Chennai - 600 040

...Appellants/1 &2
Respondents/1 & 2 Defendant

Vs

1.Mrs.Geetha
W/o Haramban,
Now at 2/46, 2nd Main Road,
Senthil Nagar,
Kolathur,
Chennai - 99.

2.Mrs.K.Jalajakshi
W/o M.Kanniappan,
No.2, Gopal Street,
Pachiamman Nagar,
Thirumullaivoyal,
Chennai - 600 062.

3.Mrs.P.Shyamala,
W/o T.Palani,
No.421, N.P.L.Anjali Flats,
264, M.T.H.Road,
Villivakkam, Chennai - 49.

4.Mrs.S.Dharani
W/o V.D.Sivaraman,
Choolaimedu High Road,
Choolaimedu,
Chennai - 94.

5.Mrs.S.Jayanthi,
W/o K.Srinivasan,
24/4, Jayalakshmi Colony,
II Street,
Shenoy Nagar,
Chennai - 600 030.

...Respondents/
Respondents 3-6/
2,4& 6 Plaintiffs

Prayer:- This Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree passed by the VI Additional Judge, City Civil Court, Chennai in A.S.No.191 of 1997 dated 18.07.2008 reversing the judgment and decree dated 14.11.2005 in O.S.No.6683 of 1996 on the file of the learned XII Assistant City Civil Court, Chennai.

For Appellants :No Appearance

For Respondents :No Appearance

JUDGMENT

This Second Appeal is preferred against the reversing judgment passed by the lower appellate court. The suit was filed by the first respondent/ plaintiff for partition. This second appeal is pending from the year 2009 without admission. The second appeal has been listed and got adjourned on various occasions. The notes paper indicates the following hearings and the reason for adjournments.

"On 30.09.2009

At request, post after two weeks.

On 10.12.2009

No representation. Call on 11.02.2010.

On 11.02.2010

At request, post on 18.02.2010.

On 18.02.2010
At request, post on 25.02.2010.

On 25.02.2010
Learned counsel appearing for the appellant submits that the second respondent is reported dead. For taking steps, post after two weeks.

On 29.04.2015
No representation for the appellant.
Post "for dismissal" on 30.04.2015.

On 30.05.2015
At request, post on 02.06.2015.

On 02.06.2015
No representation. Post the matter next week for dismissal.

On 09.06.2015
At request of the learned counsel for the appellant, post on 06.07.2015.

On 06.07.2015
Post after two weeks to bring on record the L.Rs of deceased R.2.

On 21.07.2015
Post the matter after four weeks."

2. Though sufficient time has been given, the appellants have not taken any steps to bring on record the legal representatives of the deceased second respondent. It appears that the appellants are not interested in prosecuting the matter further. Keeping this Second Appeal pending from the year 2009 will not serve any purpose. Hence, the Second Appeal is dismissed for default. There shall be no order as to costs.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jbm

To

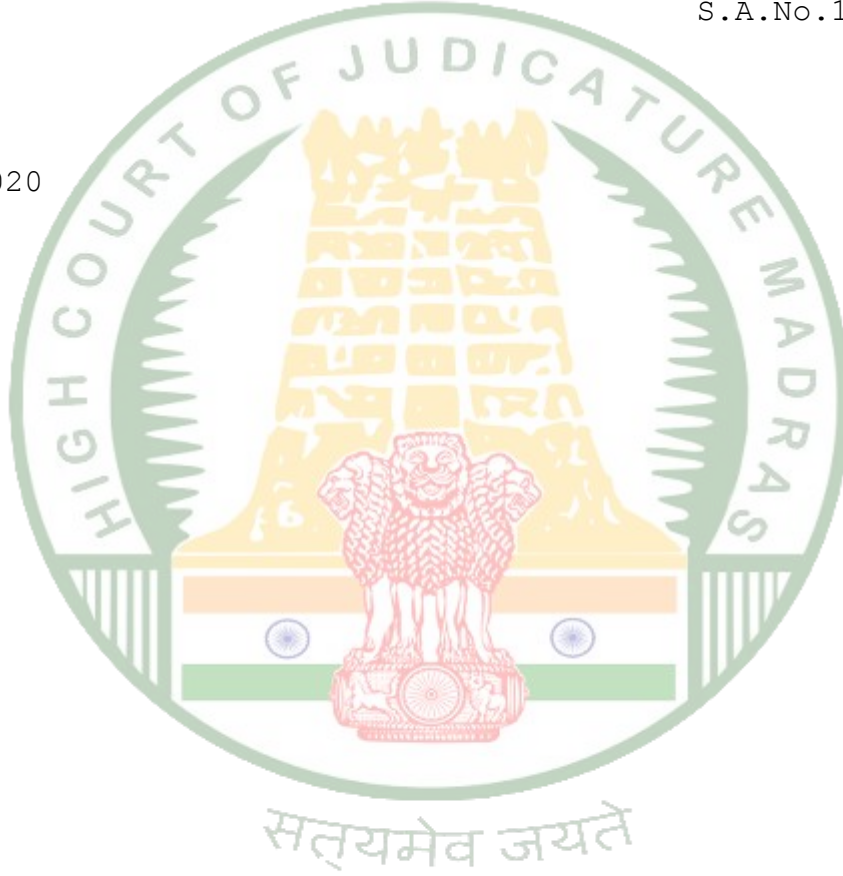
1.The VI Additional Judge,
City Civil Court, Chennai.

2.The XII Assistant Judge, City Civil Court,
Chennai.

3.The Section Officer,
V.R.Section, High Court, Madras.

S.A.No.1014 of 2009

ssd(co)
aa09/09/2020



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