

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

WEDNESDAY, THE 4TH DAY OF MARCH 2020

LOK ADALAT AWARD

(CHAPTER VI AND U/S 21 OF LEGAL SERVICES AUTHORITIES ACT, 1987)

THE HON'BLE MR.JUSTICE T.N.VALLINAYAGAM (RETD.)

SECOND APPEAL NO.2162/2003

PALANISAMY

S/O.VELLAI

SOORAI COLONY

PUZHUTHIVAKKAM & POST

VAIYAVOOR FIRKA

MADURANTAGAM TALUK.

...APPELLANT/APPAELLANT/
PLAINTIFF

Vs

1 KUPPAN
S/O.KULLIAN

2 KANNIAPPAN
S/O.KULLIAN

BOTH ARE RESIDING AT
SOORAI VILLAGE
PUZHUTHIVAKKAM & POST
VAIYAVOOR FIRKA
MADURANTAGAM TALUK.

... RESPONDENTS/
RESPONDENTS/DEFENDANTS

The Second Appeal is filed praying this Court to set aside the decree and judgment dated 29.06.2001 and made in AS.8/2001 passed by the Sub Judge, Madurantagam, dismissing the suit in entirety reversing the judgment and decree made in O.S.No.51 of 1996 dated 31.10.2000 on the file of the District Munsif Court, Madurantagam, granting the relief of injunction in relation to first schedule of the suit property.

The Second Appeal No.2182/2003 coming on this day, before this Court for hearing in the presence of S.F.Mohammed Yusuf, Advocate for the appellant herein and upon perusing the grounds of appeal and other materials on record, this Court passed the following order:-

It is seen from the papers that on 18.03.2007, the second respondent in Second Appeal died and the Second Appeal had abated on the death of Kanniappan, second respondent.

2. The appellant came to know of the same and filed a petition to set aside the abatement with a delay of 492 days. That petition was filed on 18.12.2008. Actually three petitions were filed in CMP Nos.402, 403 and 404 of 2009 (1) under Section 5 of the Limitation Act, (2) to condone the delay of 492 days in filing and (3) to set aside the abatement of Second Appeal. These three CMP Nos.402, 403 and 404 of 2009 were posted on 09.12.2014 for disposal for not taking steps to serve the respondents and on 09.12.2014, but the petitioners in CMPs., were absent. Therefore, the Hon'ble High Court took the view that the petitioners are not interested in prosecuting the case and the same is liable to be dismissed. Accordingly, all the CMP Nos.402, 403 and 404 of 2009 were dismissed on 09.12.2014. Consequently, the Second Appeal, which was abated earlier, also stood dismissed.

3. Recording the dismissal of the Second Appeal, the case file is closed and the papers are sent to the Record Section of the High Court. Liberty is, however, given to the appellant to revive the Second Appeal by following proper action.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Mra

To

1. The Subordinate Judge
Madurantagam.
2. The District Munsif,
Madurantagam.

Copy to :

1. The Section Officer,
VR Section, High Court Madras.
2. The Section Officer,
Lok Adalat Section, High Court Madras
3. The Legal Services Committee
High Court, Chennai.
4. The Section Officer, Judicial Section,
High Court Madras.

S.A No.2162 of 2003

MG (CO)

RMP (20/11/2020)