

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

SA.No.1114 of 2005 and
CMP.Nos.7485, 7486 & 7490 of 2019

1.Mariam Bivi

2.Gem Gem Bivi

3.Jegabar Natchiar

..Appellants

Vs.

Samsunnisa

..Respondent

PRAYER:

The Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 18.09.2003 in A.S.No.94 of 2000 on the file of the Principal Sub Judge, Thiruvarur confirming the judgment and decree dated 13.11.2000 in O.S.No.290 of 1992 on the file of the District Munsif Court, Thiruvarur.

For Appellants : No Appearance

For Respondent : No Appearance

sole respondent - died

Mr.Hason Mohammed Jinnah

LR's of R1, 3, 4

ORDER:

This second appeal is directed as against the judgment and decree dated 18.09.2003 in A.S.No.94 of 2000 on the file of the Principal Sub Judge, Thiruvarur confirming the judgment and decree dated 13.11.2000 in O.S.No.290 of 1992 on the file of the District Munsif Court, Thiruvarur.

2. Earlier the learned counsel for the appellants had reported no instruction from the appellants. Therefore, on the direction issued by this Court, names of the appellants were printed in the cause list. Even then, no one appeared on behalf of the appellants by person or through counsel. It is also seen that after the death of the sole respondent, the appellants took applications to condone the delay in filing the application to set aside the abatement caused due to the death of the sole respondent, to set aside the same and also to bring on record the legal heirs of the sole respondent. However none appeared on behalf of the appellants. It shows that the appellants have no interest to proceed with the second appeal. Therefore, the civil miscellaneous petitions in CMP.Nos.7485, 7486 & 7490 of 2019 are dismissed for default. Consequently, the second appeal is liable to be dismissed for non prosecution.

3. Accordingly, the second appeal is dismissed for non-prosecution. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

lok

To

1.The Principal Sub Judge,
Thiruvarur

2.The District Munsif Court,
Thiruvarur.

+1cc to Mr.Hason Mohammed Jinnah, Advocate sr.11707

bp(co)
nr 17/02/2020

SA.No.1114 of 2005