

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.1313 of 2008
and M.P.No.1 of 2008

1.Rajammal
2.Palanisamy
3.Krishnaveni

... Appellants/Defendants 1 to 3

Vs.

1.Kamalammal
2.Easwari
3.Mohan
4.Viswanathan
5.Komalam

...Ist Respondent/Plaintiff

... Respondents 2 to 5/
Defendants 4 to 7

(respondents 2 to 5 herein given up as unnecessary parties)

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 24.04.2008 made in A.S.No.30 of 2007 on the file of the learned Additional District Judge - Fast Track Court No.IV, Bhavani reversing the Judgment and Decree dated 23.11.2006 made in O.S.N.113 of 2004 on the file of the learned Sub Judge, Bhavani.

For Appellant : No appearance

For Respondent : No appearance

JUDGMENT

This Court by order dated 10.12.2019 had directed notice to the appellants, returnable by 17.01.2020. The Registry has also taken drafted notice to the appellants 1 to 3. Notice has been served on the 1st and 3rd appellants and the notice issued to the 2nd appellant is returned with an endorsement "dead".

2.The records would indicate that the 2nd appellant is none other than the son of the 1st respondent and the brother of the

3rd appellant. Though notice has been served on the 1st and 3rd appellants as early as on 11.01.2020 they have not taken steps whatsoever to engage the service of the Counsel or enter appearance before this Court. Further, steps have not been taken to bring on record the legal representatives of the deceased 2nd appellant.

Today, when the matter is called there is no appearance on behalf of the appellants. Recording the above fact, the Second Appeal is dismissed as abated as against the 2nd appellant. Since, the appellants 1 and 2 have not appeared before this Court the Second Appeal is dismissed for default as against the 1st and 3rd appellants. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps
To

- 1.The Additional District Judge - Fast Track Court No.IV,
Bhavani.
- 2.The Subordinate Judge,
Bhavani.

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