



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

S.A.No.1914 of 2003

and

C.M.P.No.17302 of 2003

1.Ammasi
2.Manickam
3.Ganesan

...Appellants/Defendants

vs.

1.Seerengan
2.Perumal
3.Lakshmanan

...Respondents/Plaintiff

Prayer: Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 11.7.2003 in A.S.No.9 of 1998 on the file of the Subordinate Judge, Sankagiri reversing the judgment and decree dated 12.11.1997 in O.S.No.236 of 1990 on the file of the District Munsif Court, Sankagiri.

For Appellants : Mr.D.Shivakumaran

For Respondents: R1 - died - steps due
R2 & R3 - served - No appearance

JUDGMENT

Today, learned counsel for the Appellant submits before this Court that despite his best efforts to contact his client, he is unable to do so and the letters sent by him has been duly acknowledged by him and despite the said acknowledgement, he submits that the Appellants have failed to contact him. Hence, he reports "no instructions" in this matter. The same is recorded by this Court.

2.This Court by its earlier order dated 29.04.2021 directed the learned counsel for the Appellant to take steps to bring on record the legal representatives of the deceased first respondent before the next hearing date and also made it clear in the same order that the Second Appeal shall stand automatically dismissed for non-prosecution if steps are not taken.

3.Till date, steps have not been taken to bring on record the legal representatives of the deceased first respondent. Hence it can now be inferred that the Appellants are not interested in prosecuting the Second Appeal.



4.Hence in accordance with the order dated 29.04.2021, this Second Appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

pam

To

1.The Subordinate Judge,
Sankagiri.

2.The District Munsif,
Sankagiri.

Copy to

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

S.A.No.1914 of 2003

UM(CO)
GN(23/07/2021)