



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R. PONGIAPPAN

S.A.No.100 of 2010

and

M.P.No.1 of 2010

Muthaiyan ..Appellant/Appellant/Plaintiff

Vs

1.Saroja
2.Narayanasamy
3.Sanmugham
4.Senthil
5.Selvi

..Respondents/Respondents/Defendants

Prayer : The Second Appeal is filed under Section 100 of C.P.C. against the judgment and decree dated 29.10.2009 made in A.S.No.92 of 2008 on the file of the Subordinate Judge, Mayiladuthurai, confirming the judgment and decree dated 23.06.2008 made in O.S.No.86 of 2006 on the file of Additional District Munsif, Mayiladuthurai.

For Appellant : No appearance

For Respondents-4 : Mr.S.Sounthar

For Respondents
1, 2, 3 & 5 : Not ready in notice

JUDGMENT

On perusal of records, it appears that the matter has been repeatedly adjourned for taking steps to implead the legal representatives of the deceased sole appellant. Earlier, on 29.11.2021, when this appeal was taken up for hearing, the learned counsel for the appellant appeared before this Court and reported "No instructions" from the appellant. Hence, the Registry was directed to print the name of the appellant in the cause-list and to list the matter under the caption 'For Dismissal' on 02.12.2021. Accordingly, the case was listed today under the caption 'For dismissal'.

2. Even today (07.12.2021), though the name of the appellant is printed in the cause-list, there is no



representation on behalf of the appellant either in person or through counsel. The learned counsel appearing for the fourth respondent alone is present.

3. In view of the above, this Second Appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Subordinate Judge,
Mayiladuthurai

2.The Additional District Munsif,
Mayiladuthurai.

Copy to:

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

S.A.No.100 of 2010
and
M.P.No.1 of 2010

GJ (CO)
PR (29/12/2021)