



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A.No.2058 of 2004

and

C.M.P.No.17517 of 2004

1.Jayapal
2.Rajendran
3.Panneerselvam
4.Kanagaraj

...Appellants/Plaintiffs

Vs

1.Kandasamy
2.Karian
3.Chinnasamy @ Koorakkan
4.Kutti

...Respondents/Defendants

Second Appeal filed under Section 100 of the Code of Civil Procedure as against the judgement and decree dated 31.10.2003 made in A.S.No.45 of 2002 by the Principal District Judge, Dharmapuri at Krishnagiri, reversing the Judgement and decree dated 25.9.2002 in O.S.No.175 of 1999 by the District Munsif-cum-Judicial Magistrate, Uthangarai.

For Appellants : M/s.Sarvabhauman Associates

For Respondents : Mr.N.E.A.Dinesh
for Mr.V.Nicholas for R1 & R3

No appearance for R2

R4-Died (Steps due)

J U D G M E N T

In the earlier order dated 27.08.2021, this Court directed the appellants to take steps to bring on record the legal representatives of the deceased fourth respondent and also directed to serve copies of papers on the respondents' counsel



and adjourned the matter to 24.09.2021.

2. On 28.09.2021, the learned counsel for the appellants sought time and hence, the matter was adjourned by four weeks.

3. On 09.11.2021, the learned counsel for the appellants sought further accommodation for taking steps to bring on record the legal representatives of the deceased 4th respondent and time was extended till 23.11.2021 and also this Court has made it clear that if steps are not taken, the appeal will be disposed of on merits. Again on 03.12.2021, the matter was adjourned to 10.12.2021.

4. Today, when the matter is taken up for hearing, the learned counsel for the appellants submitted that he is not able to get instructions from the appellants to pursue the matter further.

5. In view of the above submissions made by the learned counsel for the appellants, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Principal District Judge,
Dharmapuri at Krishnagiri.

2. The District Munsif-cum-Judicial Magistrate,
Uthangarai.

Copy to:

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

S.A.No.2058 of 2004
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PL(CO)
SU(27/12/2021)