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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

SECOND APPEAL NO.367 OF 2004

AND

CMP NO.2470 OF 2004

1.Palaniswamy
2.Muthusamy Naicker
3.Thangavelu

.. Appellants/Defendants

Vs

1.Kondappa Naicker
2.Palaniammal
3.Minor Palanisamy
4.Minor Velu
5.Minor Sathish

.. Respondents/Plaintiffs

(Minor Respondents 3 to 5
are rep.by mother and natural
guardian Palaniammal)

Prayer: Second Appeal is filed against the judgment and decree of the Subordinate Judge's Court Namakkal made in A.S.No.55 of 2000, dated 28.08.2003, confirming the judgment and decree of the principal District Munsif's Court, Namakkal made in O.S.No.133 of 1998, dated 29.11.1999.

For Appellant ... No appearance

For Respondent ... No appearance

JUDGMENT

When the second appeal was listed on 10.12.2021, there was no representation on behalf of the appellants. It was represented by the learned counsel for the respondents that appellants 1 and 2 died and no steps have been taken by the side of the appellants and hence, the second appeal was directed to be listed on 14.12.2021. On 14.12.2021 also, there was no representation on behalf of the appellants and hence, it was



directed to be listed on 16.12.2021. When the matter again listed on 16.12.2021, since there was no representation on behalf of the appellants, the matter was directed to be listed under the caption, 'for dismissal'.

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2. Today even though the appeal is listed under the caption 'for dismissal', neither the learned counsel for the appellants nor the learned counsel for the respondents is present to prosecute the appeal. Accordingly, this Second appeal is dismissed for non-prosecution. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Principal District Munsif, Namakkal.
2. The Subordinate Judge, Namakkal.
3. The Section Officer,
V.R. Section,
High Court, Madras.

S.A.No.367 of 2004

NMI (CO)
RLP(06/01/2022)