



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.991 of 2011

1.P.Karuppiah
2.P.Palanisamy

... Appellants/Respondents/Plaintiffs

vs.

1.S.Azhagulakshmi (Died)
2.S.Ganesh Kumar

... Respondent/Appellant/Defendant

(The second respondent is impleaded as legal heir of the deceased first respondent, as per order of this Court dated 13.09.2021 in CMP (MD)No.7183/2021)

Prayer: Second appeal filed under Section 100 of C.P.C., against the judgment and decree dated 18.08.2011 made in A.S.No.42/2009 on the file of the Hon'ble Sub-Judge, Srivilliputtur which reversed the Judgment and Decree passed by the Hon'ble Additional District Munsif, Srivilliputtur in O.S.No.1199 of 2004 dated 14.09.2009 as the same is contrary to law, weight of evidence and decree the suit as prayed for.

For Appellants	: No appearance
For Respondents	: Mr.D.Sadiq Raja

JUDGMENT

Since none appeared for the appellants on earlier occasion, the case is posted under the caption 'for dismissal' today. Mr.P.Arun Jayatram, the second counsel shown in the Vakalat appeared through video conference and informed the Court that message has been sent to the first counsel on record. It is seen that the counsel for the respondent is present. According to him, the sole respondent had passed away. Hence, CMP(MD) No.7183 of 2021 has been filed by the legal heir to come on record. The learned counsel for the respondent would state that even though the appellants must have taken steps, he took steps. But then, the learned counsel for the appellants did not even receive the petition copy. The respondent counsel was advised to send the same through post. When the respondent counsel sent the petition copy by post, it returned with endorsement as 'addressee expired'. No steps have been taken to bring the legal representatives of the first appellant on record.



2.Taking note of the conduct of the appellants, the Second appeal is dismissed for default. The Registry will number any CMP that may be filed in future for restoration, only on payment of a sum of Rs.10,000/- as cost.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn/tmg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Sub Judge,
Srivilliputtur.
- 2.The Additional District Munsif,
Srivilliputtur.

Copy to:

- 1.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.
- 2.The Sub Assistant Registrar,
A.E Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-29066[F]
dated 15/09/2021)

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SRR(CO)/RS (25.10.2021) 2P 6C