



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

S.A.No.311 of 2006
and C.M.P.No.4257 of 2006

Smt.Sinigi Ammal (Died)

2.R.Chandran
3.R.Krishnan
4.C.Lakshmi
5.R.Mani
6.Shanthi

... Appellants

(Appellants 2 to 6 brought on record as LRs of the deceased sole appellant viz., Sinigi Ammal vide order of this Court dated 29.01.2020 made in CMP.No.21508, 21509 and 21513/2019)

Vs.

J.B.Bhojan

... Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree passed in A.S.No.62 of 2004 dated 06.04.2005 passed by the Subordinate Judge of the Nilgiris of Udthagamandalam thereby set asiding the Judgment and Decree of the learned District Munsif, Coonoor dated 29.10.2003 in O.S.No.321 of 1991 in respect of 3rd item of the suit property.

For Appellant : Mr.Mohanraj
for Mr.A.Bobblie

For Respondent : R1 - Died

J U D G M E N T

When the matter was taken up for hearing on 19.08.2021, the learned counsel for the appellant submitted that he has already filed an application to bring on record the legal representatives of the deceased sole respondent in CMP SR No.73092 of 2021, which has been returned by the Registry for certain compliances and hence, the Registry was directed to number the said application and list the same along with the second appeal for hearing on 16.09.2021. When the matter was



listed on 16.09.2021 and 22.10.2021, the learned counsel sought further time and hence, it was directed to be listed after four weeks. Again when the matter was listed on 21.12.2021, at the request of the learned counsel, it was directed to be listed on 10.01.2022.

2. When the matter was taken up today, the learned counsel for the appellants again prayed for short accommodation to bring on record the legal representatives of the deceased respondent. It is very unfortunate that the matter has been listed for number of times, however, the learned counsel sought time and hence, this Court is not inclined to accede to the request of the learned counsel for the appellant. Therefore, the second appeal is dismissed for non prosecution. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Subordinate Judge of the Nilgiris of Udthagamandalam .
2. The District Munsiff, Coonoor .

S.A.No.311 of 2006

KSM(CO)
CT 17/02/2022