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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A.NO.611 OF 2009

AND

M.P.NO.1 OF 2009

1. Venkataramanappa

2. Thimmakka

... Appellants/Appellants/
Defendants

.Vs.

Kempaiah

... Respondent/Respondent/
Plaintiff

Prayer:-

Second Appeal filed under Section 100 of the Code of Civil Procedure, against the Judgment and Decree of the learned Subordinate Judge of Hosur, dated 3.1.2008 in A.S.No.12 of 2007 confirming the Judgment and Decree of the learned District Munsif of Hosur dated 29.8.2006 in O.S.No.91 of 1993.

For Appellants : Mr.V.Karthikeyan
For Mr.V.Nicholas

For Respondent : Sole respondent died
By Order dated 27/08/2021

J U D G M E N T

On 26.08.2021, when the matter came up for hearing, there was no representation on behalf of the appellants. Hence, the matter was directed to be listed under the caption, 'for dismissal' on 27.08.2021. On 27.08.2021, when the matter was taken up for hearing, the learned counsel for the appellants submitted that the sole respondent died and sought time to implead the legal heirs of the deceased sole respondent and hence, it was directed to be listed after four weeks. When the matter was listed on 08.10.2021, by stating the same reason, the learned counsel sought time. Thereafter, on 16.10.2021, there



was no representation and on 20.12.2021, since there was no representation on behalf of the appellants, the matter was directed to be listed under the caption, 'for dismissal' on 10.01.2022.

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2. When the matter is taken up today, the learned counsel for the appellant again seeks time to take steps. However, I am not inclined to entertain the said request. Hence, the second appeal is dismissed for non prosecution. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Subordinate Judge,
Hosur.
2. The District Munsif,
Hosur.

Copy To:-

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

+1cc to Mr.V.Nicholas, Advocate, S.R.No.1934

S.A.NO.611 OF 2009

GJ(CO)
PBS/09/02/2022