



S.A.No.841 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.841 of 2017

1.G.Nagarathinammal

2.G.Gunasekaran

3.G.Vasudevan

4.G.Sundari

... Appellants

Vs

1.Ramesh

2.K.Ponnuswami

G.Thulasingham Pillai (Died)

3.G.Ethiraj

4.G.Hemavathy

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5.G.Balakrishnan

6.G.Tukaram

7.T.Jothy

8.T.Baskar

...Respondents

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure against the Judgement and Decree dated 26.11.2009 passed in A.S.No.214 of 2008 on the file of the IV Fast Track Court, Chennai, confirming the Judgement and Decree dated 12.04.2007 made in O.S.No.9565 of 1988 on the file of XVIII Assistant Judge, City Civil Court, Chennai.

For Appellant 1 : Died

For Appellants : Not ready in notice.
2 to 4.



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JUDGEMENT

The attempt to serve the appellants in the last known address has been unsuccessful, as the same has been returned with the identical endorsement, which reads as follows:

“Returned unserved on enquiry being made by me and it is reported that there is no such person by this notice (name) above said address. Hence this notice was returned unclaimed.”

2. The appellants have taken back the brief from their erstwhile counsel as early as in the month of October 2018. Thereafter, the



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appellants have not deemed it fit to engage the service of the another counsel.

3. Considering the fact that the appellants have not engaged the service of the another counsel from October 2018 and as they have also not appeared in person, it is presumed that they are not willing to proceed with the appeal. Therefore, the Second Appeal is dismissed for default. No costs.

24.11.2022

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Index : Yes/No

Speaking order/non-speaking order

To

1.The IV Fast Track Court,
Chennai.

2.The XVIII Assistant Judge,

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City Civil Court,
Chennai.



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