



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.08.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.173 of 2007

and

CROSS OBJECTION(MD)NO.37 OF 2008

AND

M.P(MD)No.1 of 2007

A.S(MD)No.173 of 2007

1.D.Chakravarthy

2.D.Mahudapathy(died)

3.M.Mohith

(The appellant No.3 is brought on record as the legal representative of the deceased second appellant as per order of this Court made in C.M.P(MD)No.1229 to 1231 of 2018 in A.S.NO.173 of 2007, dated 5.10.2018 :Appellants/Defendants 26 and 27

.vs.

1.Annalakshmi(died) :First Respondent/Plaintiff

2.Vijayrenganathan

3.Paulpandian

4.M.Kalidhas

5.M.Gurusamy

6.M.Panchavarnam



7.M.Chidambaram

8.G.Jeyaraman

9.Navamani

10.Shanthi

11.Sumathi

12.V.R.J.Venkatesan

13.J.Senthilkumar

14.J.Geetharani

15.V.Gopal

16.Vasanthi

17.Subramanian

18.Bose

19.Lakshmiammal

20.K.Subramanian

21.R.Kumarasamy @ Selvam

22.P.Surulirajan

23.C.Sundaraj

24.M.Ravi

25.Logamatha

: Respondents 2 to 25/Defendants 2 to 24/Respondents 2 to 7 and Respondents 9 to 18 and Respondents 20 to 24

26.Navamani



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27.Manimegalai

28.V.Kannan

29.V.Jeyaramachandran(died)

30.V.Raghavan

31.Jayalakshmi

32.Dhanaranjani

33.Vishnu : Respondents

(Respondents 26 to 30 are brought on record as legal representatives of the deceased first respondent as per order of this Court made in M.P(MD)Nos.1 and 2 of 2009 in A.S.(MD)No.173 of 2007, dated 5.10.2009.)

(Respondents 2 to 7 and Respondents 9 to 18 and Respondents 20 to 24 Given up)

(Respondents 31 to 33 are brought on record as legal representatives of the deceased 29th respondent as per order of this Court made in C.M.P(MD)No.5167 of 2019 in A.S(MD)No.173 of 2007, dated 22.7.2022)

CROSS OBJECTION(MD)NO.37 OF 2008

1.Annalakshmi

2.R.Vijayarenganathan

3.Navamani

4.Manimegalai

5..Kannan

6.V.Jeyaramachandran



7.V.Raghavan

(Appellants 2 to 7 are brought on record as legal representatives of the deceased first appellant as per order of this Court made in M.P. (MD)Nos. 2 to 4 of 2009 in Cross Objection(MD)No.37 of 2008 in A.S(MD)No.173 of 2007) :Appellants/Ist Respondent

/vs/

1.R.Vijayaarenganathan

2.Paulpandian

3.M.Kalidhas

4.M.Gurusamy

5.M.Panchavarnam

6.M.Chidambaram

7.G.Jeyaraman

8.Navamani

9.Shanthi

10.Sumathi

11.V.R.J.Venkatesan

12.J.Senthilkumar

13.J.Geetharani

14.V.Gopal

15.Vasanthi

16.Subramanian

17.M.Bose



18.Lakshmiammal

19.K.Subramanian

20.R.Kumarasamy @ Selvam

21.P.Surulirajan

22.C.Sundaraj

23.M.Ravi

24.Logamatha : Respondents/Respondents

25.Chakaravarthy

26.Mahadapathy(died)

27.Manjula

28.Minor Mohith : Respondents.

(Respondents 27 and 28 are brought on record as legal representatives of the deceased Respondent No.26 as per order of this Court made in M.P.No.1 of 2014 in Cross Objection(MD)No.37 of 2008 in A.S(MD)No.173 of 2007, dated 12.2.2015)

(R28 being minor represented by Respondent No.27 as per order in M.P.No.2 of 2014 in Cross Objection(MD)No.37 of 2008 in A.S(MD)No.173 of 2007, dated 12.2.2015)

(Respondents 1 and 8 are transposed as appellants 2 and 3 as per order of this Court made in M.P(MD)Nos.2 to 4 of 2009 in Cross Objection(MD)No.37 of 2008 in A.S(MD)No.173 of 2007, dated 5.10.2009)

PRAYER in Appeal Suit : First Appeal filed under Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.362 of 2004, dated 15.2.2007, on the file of the Fast Track Court No.II(Additional District Judge), Madurai.



PRAYER in Cross Objection: Cross Objection filed under Section 96 and Order 41 Rule 22 of Civil Procedure Code against the judgment and decree made in O.S.No.362 of 2004, dated 15.2.2007, on the file of the Additional District Judge(Fast Track Court No.II), Madurai.

A.S(MD)No.173 of 2007

For Appellants	:Mr.R.Suriyanarayanan
For Respondent-1	:Died
For Respondents-2 26 to 28 and 30	:Mr.B.Murugan
For Repondent-8	:Mr.G.Muthuraman
For Respondent-19	:Mr.S.P.Karuppasamy
For Respondents 7, 9 to 18 and 20 to 24	:Given up
For Respondent-25	:No appearance
For Respondent-29	:Died

CROSS OBJECTION(MD)NO.37 OF 2008

For Cross Objectors	:Mr.B.Murugan
For Respondent-7	:Mr.G.Muthuraman
For Respondent-18	:Mr.S.P.Karuppasamy
For Respondent-25	:Mr.R.Suriyanarayanan



COMMON JUDGMENT

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In the earlier hearing date, ie., on 10.8.2022, at the request of the learned counsel for the appellants, the matter is posted today under the caption "for reporting settlement". When the matter is taken up for hearing today, it is reported that no settlement is arrived at between the parties. Further the learned counsel for the appellants as well as the Cross-Objectors are not ready to argue the appeal suit as well as the Cross-Objection and sought for adjournment. This shows that the learned counsel for the appellants /Cross Objectors are not interested in prosecuting the appeal suit as well as the Cross-Objection. Therefore both the Appeal Suit as well as the Cross-Objection are dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is dismissed.

17.08.2022

Index:Yes/No
Internet:Yes/No
vsn

To

1.The Additional District Judge
(Fast Track Court No.II),



Madurai.

2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN.,J.

vsn

COMMON JUDGMENT MADE IN
A.S(MD)No.173 of 2007
and
CROSS OBJECTION(MD)NO.37 OF 2008
AND
M.P(MD)No.1 of 2007

17.08.2022