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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.08.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)Nos.43 and 44 of 2005
and
M.P(MD)Nos.1,1,2,2 and 3 of 2013
and
C.M.P(MD)No.3526 of 2005

A.S(MD)No.43 of 2005

- 1.Thajudeen(died)
- 2.T.Zaveed
- 3.M.Vajiya
- 4.Shakila

(Appellants 2 to 4 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 and 2 of 2009 in A.S(MD)No.43 and 44 of 2005, dated 9.12.2009) :Ist Defendant/ /Appellants

.vs.

- 1.Mohammed Farooq
- 2.Mohammed Samsudeen
- 3.Dilsha Beevi
- 4.Inoon Jaria
- 5.Fathimunnisa



6.Habib Rahman

:Defendants 2 to 6/Respondents

A.S(MD)No.44 of 2005

1.Thajudeen(died)

2.T.Zaveed

3.M.Vajiya

4.Shakila

(Appellants 2 to 4 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 and 2 of 2009 in A.S(MD)No.43 and 44 of 2005, dated 9.12.2009)

:Plaintiffs /Appellants

.vs.

1.Mohammed Samsudeen

2.Mohammed Farooq

3.Dilsha Beevi

4.Inoon Jaria

5.Fathimunnisa

6.Habib Rahman

:Defendants /Respondents

COMMON PRAYER: First Appeals filed under Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No. 49 of 2004, dated 2.12.2004, on the file of Additional District Judge-cum-Fast Track Court No.I, Thanjavur.

For Appellants

:No appearance



For Respondents :No appearance

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COMMON JUDGMENT

The appeal suits are of the year 2005. In the earlier hearing date, ie., on 11.08.2022, learned counsel for the appellants filed memos stating that he has "no instructions" from his clients/appellants. Hence the vakalath of the learned counsel for the appellants is cancelled and the Registry is directed to remove the name of the learned counsel for the appellants from the cause-list and to print the name of the appellants in the cause-list. Today, the name of the appellants is printed in the cause-list, however, none appears on behalf of them either in person or through counsel. This shows that the appellants are not interested in prosecuting the appeal suits. Hence this Court has no other option except to dismiss the appeal suits for non-prosecution. Therefore the Appeal Suits are dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

17.08.2022

Index:Yes/No
Internet:Yes/No
vsn



To

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- 1.The Additional District Judge-cum-Fast Track Court No.I,
Thanjavur.
- 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)Nos.43 and 44 of 2005
and
M.P(MD)Nos.1,1,2,2 and 3 of 2013
and
C.M.P(MD)No.3526 of 2005

17.08.2022