



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.42 of 2013

and

M.P(MD)No.1 of 2013

A.Veeramani :Appellants/Ist Defendant

.VS.

1.Kannagi @ Chinnathal

2.K.Mutharasu

3.K.Jayaraj

4.K.Saravanan :Respondents 1 to 4/Plaintiffs

5.K.Rajagopal

6.K.Sankar :Respondents 5 & 6/Defendants 2 and 3

PRAYER: First Appeal filed under Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.12 of 2010, dated 27.12.2012, on the file of Ist Additional District Judge(PCR Court),Thanjavur.

For Appellant

:Mr.G.Karnan



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For Respondent-1 :Dismissed

For Respondent-2 :Mr.K.Guhan

JUDGMENT

On the earlier occasion ie., on 22.6.2022, when the matter came up for hearing, it is stated that some of the respondents died and the appellant is directed to take steps. When the matter is taken up today, the learned counsel for the appellant states that the appellant has not given any particulars and that he is not interested in prosecuting the appeal by impleading the legal representatives of the deceased respondents 2 and 6. They are none other than the co-parcenors and they are also kith and kins. Therefore, the appellant cannot say that the respondents have not given the particulars of the legal representatives of the deceased respondents 2 and 6. Therefore, this Court is not inclined to adjourn the matter any further. Despite sufficient opportunity being given to the appellant, the appellant has not taken effective steps to bring on record the legal representatives of the deceased respondents 2 and 6 and therefore, the appeal suit is not only dismissed for default as against the deceased respondents 2 and 6, but the appeal suit is totally dismissed for default, for not taking steps for the deceased



respondents 2 and 6. No costs. Consequently, connected
Miscellaneous Petition is dismissed.

04.07.2022

Index:Yes/No

Internet:Yes/No

vsn

To

- 1.The Ist Additional District Judge(PCR Court),
Thanjavur.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN.,J.

vsn

JUDGMENT MADE IN

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and
M.P(MD)No.1 of 2013

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