



S.A.(MD) No.1134 of 2009

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM : JUSTICE N.SESHASAYEE

S.A.(MD) No.1134 of 2009

1.R.Kalimuthu
2.R.Jeganathan
3.A.Samiyappan
4.S.Panjalingam
5.Jothimani (Died)

... Appellants 1 to 5/
Appellants 3, 4, 6, 7 & 8
Plaintiffs 3, 4, 6, 7 & Nil

6.T.Duraipandian
7.T.Guruvijayan

... Appellants 6 & 7/Nil

8.Gandhi
9.Shanmugapriya
10.Kaneeshwari
11.Vivek Pathra

... Appellants 8 to 11

*[Appellants 8 to 11 were brought on record as LRs
of the deceased 5th appellant vide order dated
24.09.2021 made in C.M.P.(MD) Nos.8041, 8043 &
8044 of 2021 in S.A.(MD) No.1134 of 2009]*

Vs

1.Pappammal
2.Durgairajan (Died)
3.Balaji (Died)

... Respondents 1 to 3/
Respondents/Defendants



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4.D.Sasinkumar

5.D.Kiruthika

... Respondents 4 & 5

[R4 & R5 were brought on record as LR's of the deceased 2nd respondent vide order dated 28.04.2022 made in C.M.P.(MD) No.8033 of 2021 in S.A.(MD) No.1134 of 2009]

6.B.Chitra

... 6th Respondent

[R6 was brought on record as LR of the deceased 3rd respondent vide order dated 28.04.2022 made in C.M.P. (MD) No.8040 of 2021 in S.A.(MD) No.1134 of 2009]

[Cause title accepted vide order dated 01.04.2009 made in M.P.(MD) No.1 of 2009 in S.A.SR (MD) No.53112 of 2008]

Prayer:- Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 09.07.2007 made in A.S.No.2 of 2005 on the file of the Sub Court, Pazhani, confirming the judgment and decree dated 29.09.2004 made in O.S.No.588 of 1999 on the file of the District Munsif's Court, Pazhani.

For Appellants : Mr.T.Lajapathi Roy

J U D G M E N T

This matter is listed today under the caption 'notice section default cases'.



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2. On 02.11.2022 when the matter was taken up for hearing, this Court directed the appellants to take substituted service on respondents 4, 5 and 6 and file proof of service on 17.11.2022. Till date no proof of service has been filed, which shows that the appellants are not interested in prosecuting the appeal, which is of the year 2009. Hence, this Court is constrained to dismiss the appeal. Accordingly, this Second Appeal is dismissed. No costs.

17.11.2022

Internet: Yes

Index: Yes/No

abr

To

1. The Sub Judge,
Pazhani.

2. The District Munsif,
Pazhani.

3. The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SESHASAYEE, J.

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