



S.A.(MD) No.18 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.18 of 2009

1.Muthalagu Konar
2.Chinthamani (Died)
3.Pasupathi
4.Jeyalakshmi
5.Banumathi

... Appellants/Respondents/
Plaintiffs

*[2nd Appellant died vide order dated
03.06.2019 made in C.M.P.(MD) Nos.3698 &
3699 of 2019 in S.A.(MD) No.18 of 2009]*

Vs

1.Malarvizhi
2.A.Rajeshwari
3.K.Venkatesan
4.K.Kumaravel
5.Thenmozhi

... 1st Respondent/Appellant/
Defendant

... Respondents 2 to 5

*[Respondents 2 to 5 were impleaded as LR's of deceased
2nd appellant order dated 03.06.2019 made in C.M.P.
(MD) No.3700 of 2019 in S.A.(MD) No.18 of 2009]*

Prayer:- Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 28.07.2008 made in A.S.No.40 of 2006 on the file of the Sub Court, Paramakudi, reversing the judgment and decree



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dated 26.12.2005 made in O.S.No.29 of 2005 on the file of the District
Munsif cum Judicial Magistrate's Court, Kamudhi.

For Appellants : Mr.S.Palanivelayutham

For Respondents : Mr.K.Govindarajan for R1

: No appearance for R2

J U D G M E N T

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

2. On 02.11.2022, this Court directed the appellants to take notice on respondents 3 to 5 and file proof of service. Till date, no proof of service has been filed, which shows that the appellants are not interested in prosecuting the appeal. The appeal is of the year 2009. Hence, this Court is constrained to dismiss the appeal. Accordingly, this Second Appeal is dismissed.

17.11.2022

Internet:Yes
Index:Yes/No
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To

- 1.The Sub Judge,
Paramakudi.
- 2.The District Munsif cum
Judicial Magistrate,
Kamudhi.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SESHASAYEE, J.

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