



S.A.(MD) No.738 of 2010

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

CORAM : JUSTICE N.SESHASAYEE

S.A.(MD) No.738 of 2010

1.Victor Jabaraj (Died)

.. 1st Appellant/Respondent/
Plaintiff

2.S.Jaya Pramela

3.V.Lionell Jenefer

4.Evanjelin Lima

5.V.Jeril Raj

.. Appellants 2 to 5/
LRs of deceased 1st Appellant

[Appellants 2 to 5 – brought on record as LRs of deceased sole appellant vide Court order dated 20.03.2017 made in C.M.P. (MD) Nos.10286 to 10288 of 2016 in S.A.(MD) No.738 of 2010]

-VS-

1.Aseer Selvin (Died)

.. 1st Respondent/Appellant/
Defendant

2.A.Lissy Joice

3.Sharmila

4.Shajila

5.A.G.Devanand

... Respondents 2 to 5/
LRs of deceased 1st Respondent

[Respondents 2 to 5 – *suo motu* impleaded as LRs of the deceased sole respondent vide Court order dated 22.04.2022 in S.A.(MD) No.738 of 2010]



S.A.(MD) No.738 of 2010

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Prayer:- Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 21.07.2010 made in A.S.No.23 of 2010 on the file of the Sub Court, Padmanabhapuram, reversing the judgment and decree dated 04.01.2010 made in O.S.No.159 of 2007 on the file of the Principal District Munsif Court, Padmanabhapuram.

For Appellants	:	Mr.K.N.Thampi
Respondent-1	:	Died (steps taken)
For R2 & R5	:	Mr.M.Sengu Vijay
For R3 & R5	:	No appearance

J U D G M E N T

This matter repeatedly comes before the Court as settled between the parties and to make a statement on this, the case is being posted. Today, the learned counsel for respondents 2 and 5, on instructions, submits that the matter has been settled between the parties, whereas the learned counsel for the appellants submits that despite his best efforts, the parties does not seem to be contacting him. This now is the state of affairs in this case. This Court is in no mood to disturb any compromise if at all it is arrived between the



S.A.(MD) No.738 of 2010

parties. But then, it has to go ahead with the matter and it cannot keep the matter pending. It should not be forgotten that the second appeal is in twelfth year of its institution. Given the circumstances, this Court considers that it would be only appropriate to dismiss the appeal for default. Accordingly, the appeal is dismissed for default. No costs.

12.07.2022

Internet: Yes
Index: Yes/No

abr

To

1. The Principal District Munsif Court,
Padmanabhapuram.
2. The Sub Court, Padmanabhapuram.



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S.A.(MD) No.738 of 2010

N.SESHASAYEE, J.

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S.A.(MD) No.738 of 2010

12.07.2022