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C.M.S.A.No.22 & 23 of 2009



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.M.S.A. Nos.22 and 23 of 2009

and

C.M.P.Nos.1 & 1 of 2009

M.Nadarajan

... Appellant in both
C.M.S.As

Vs.

1.Rajamanickam
2.Yasotha Ammal
3.Vasantha
4.Minor.Rajasekar
R4 minor rep. By R2

... Respondents in
C.M.S.A.No.22 of 2009

1.Perumal
2.Yosatha Ammal
3.Vasantha
4.Minor.Rajasekar
R4 minor rep. By R2

... Respondents in
C.M.S.A.No23 of 2009

Prayer in C.M.S.A.No.22 of 2009: This Civil Miscellaneous Second Appeal is filed under Order 41 Rule 1 and section 96 of CPC read with section 100 of CPC to set aside the order and decree passed by Sub-Judge, Kallakurichi in E.A.No.88 of 2004 in E.P.No.6 of 98 in O.S.No.112 of 1991 and



subsequently confirmed by the Principal District Judge, Villupuram in A.S.No.48 of 2006.

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Prayer in C.M.S.A.No.23 of 2009: This Civil Miscellaneous Second Appeal is filed under Order 41 Rule 1 and section 96 of CPC read with section 100 of CPC to set aside the order and decree passed by Sub-Judge, Kallakurichi in E.A.No.44 of 2000 in E.P.No.6 of 98 in O.S.No.112 of 1991 and subsequently confirmed by the Principal District Judge, Villupuram in A.S.No.49 of 2006.

For Appellant in both CMSAs : Mr.G.Karthikeyan

For R1 in CMSA No.22/2009 : Dismissed as abated vide
order dated 02.08.2023

For R1 in CMSA No.23/2009 : Mr.E.C. Ramesh

For R2 to R4 in both CMSAs : Not ready in Notice.

COMMON JUDGMENT

This Court by order dated 02.08.2023 had directed the learned counsel for the appellant to take fresh notice to the correct address of the respondents 2 to 4 and to pay batta in three working days from the date of order and also directed to file POA on or before 25.08.2023.



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2. However, the order of this Court dated 25.08.2023, has not been complied with. Hence, the Civil Miscellaneous Second Appeals are dismissed for default. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

28.08.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

1.The Sub-Judge,
Kallakurichi

2.The Principal District Judge,
Villupuram

3.The Section Officer,
VR Section,
High Court,
Madras.



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C.M.S.A.No.22 & 23 of 2009



P.VELMURUGAN. J.

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C.M.S.A. Nos.22 and 23 of 2009
and C.M.P.Nos.1 & 1 of 2009

28.08.2023