



SA.No.1417 of 2007

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

SA.No.1417 of 2007
and M.P.No.1 of 2008

1.V.Palanisamy

2.V.Velusamy

3.Maragatham

4.Backiam

... Appellants

Vs.

1.M.Sengottiyan

2.Sampath alias G.Shanmugham

3.S.Balamurugan

4.Sivagamiammal

5.P.V.Kumaravel

... Respondents



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PRAYER: Second Appeal filed under Section 100 of the CPC, against the judgement and decree dated 07.11.2003 made in A.S.No.37 of 2002 on the file of the Court of the I Additional District Judge, Erode confirming the judgement and decree dated 10.12.2001 made in OS.No.32 of 1997 on the file of the Court of the District Munsif, Kodumudi.

For Appellants : M/s.S.Thangavel

For Respondents :

JUDGEMENT

On 09.08.2021, this Court was pleased to pass the following orders:-

" Learned counsel for the Appellant submits that the third and fourth Appellants as well as the first and second respondents are dead and seeks time to take steps to bring on record the legal representatives of the deceased parties.

If steps are not taken to bring on record the legal representatives of the deceased parties on or before the next hearing date, the Second Appeal shall stand automatically dismissed for non-prosecution.

Post the matter on 08.09.2021."



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2. Today, when the matter is taken up for hearing, Mr.Thangavel, the learned counsel for the appellant represents that steps have not yet been taken for the appellants 3 and 4. From the above order dated 09.08.2021 it is clear that the appeal stood dismissed on 08.09.2021.

3. When this is pointed out to the learned counsel for the appellant, he states that he will file an application to restore the Second Appeal as well as he will take steps for bringing on record the legal representatives of the deceased 3 and 4 appellants and respondents 1 to 3. The order passed on the previous occasion being a default order, recording the same this Appeal is dismissed as per the order dated 08.09.2021. No costs. Consequently the connected Miscellaneous Petition is closed.

06.03.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No
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- To
1. The I Additional District Judge, Erode.
 2. The District Munsif, Kodumudi.



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