



SA.No.292 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

THE HON'BLE Mr.JUSTICE **C.KUMARAPPAN**

S.A.No.292 of 2007

Mala Ammal

... Appellant

- Vs -

1. Soundararajan
2. Mathialagan
3. Anbalagan
4. Thulasi Ammal
5. Jaithoonbi Ammal

... Respondents

Second Appeal is filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 16.06.2004 in A.S.No.88/2001 on the file of the Principal Sub Court, Villupuram confirming the judgment and the decree dated 03.08.2000 in O.S.No.374/1995 before the Principal District Munsif's Court, Ulundurpet.

For Appellant : Ms.R.Meenal

For Respondents : R2 to R4 - Served No Appearance
R1 & R5-Died (Steps taken)



SA.No.292 of 2007

JUDGMENT

This Court, vide order dated 31.10.2023 directed the appellant to implead the legal heirs of the respondents 1 and 5.

2. In spite of providing sufficient opportunity, the appellant is not in a position to find out the legal heirs of the respondents 1 and 5. Further, the learned counsel for the appellant expressed her reservation to argue the matter. In the absence of impleading the legal heirs of the respondent 1 and 5 as the same would prejudice the interest of the appellant.

3. Since this Second Appeal is of the year 2007, and that no steps have been taken to implead the legal heirs for a long time, this Court is of the firm view that keeping the Second Appeal without any progress is of no use. Hence, this Court is inclined to dismiss the Second Appeal.

4. In the result, this Second Appeal is dismissed for default. There shall be no order as to costs.

15.11.2023

kmi

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/ No



SA.No.292 of 2007

To

WEB COPY

1. The Principal Subordinate Court,
Villupuram.
2. The Principal District Munsif Court,
Ulundurpet.



WEB COPY



SA.No.292 of 2007

C.KUMARAPPAN,J

kmi

S.A.No.292 of 2007

15.11.2023