



S.A(MD)Nos.692 and 693 of 2007

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A(MD)Nos.692 and 693 of 2007

1.Sundaram (died)

2.Sankaran

3.Sulochana

4.S.Rukmani

5.Grace Hebzbh

6.Rubinath

...Appellants in both appeals

(Appellants 5 and 6 are brought on record as LR's of the deceased 1st appellant in S.A(MD)No.692 of 2007 vide Court order dated 19.06.2023 in C.M.P(MD)No.9241 of 2016 in S.A(MD)No.692 of 2007)

(Appellants 5 and 6 are brought on record as LR's of the deceased 1st appellant in S.A(MD)No.693 of 2007 vide Court order dated 18.10.2016 in C.M.P(MD)No.6470 of 2016 in S.A(MD)No.693 of 2007)

VS.

John Peter Rex

... Respondent in both appeals



S.A(MD)Nos.692 and 693 of 2007

Prayer in S.A(MD)No.692 of 2007 : Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 30.11.2006 in A.S.No.152 of 2006 on the file of the First Additional Sub Court, Tirunelveli reversing the Judgment and Decree dated 24.04.2006 in O.S.No.861 of 2004 on the file of the Principal District Munsif Court, Tirunelveli.

Prayer in S.A(MD)No.693 of 2007 : Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 30.11.2006 in A.S.No.172 of 2006 on the file of the First Additional Sub Court, Tirunelveli confirming the Judgment and Decree dated 24.04.2006 in O.S.No.861 of 2004 on the file of the Principal District Munsif Court, Tirunelveli.

In both the appeals,

For Appellants : No appearance

For Respondent : No appearance

COMMON JUDGMENT

The appeals are of the year 2007 and they are pending for more than 15 years. Till date, the counsel on record for the appellant kept



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quiet and when the matter is taken up for final hearing today, he submits that he is going to file change of vakalath, which shows that the appellants are not interested to proceed with the appeals effectively. Therefore, this Court has no other option except to dismiss the appeals for non-prosecution.

2. Accordingly, these Second Appeals are dismissed for non-prosecution with cost of Rs.1,00,000/- (Rupees One Lakh only) each payable by the appellants to the Registry to the credit of S.A(MD)Nos. 692 of 2007 and 693 of 2007 respectively. In case, the appellants file applications to restore the appeals, Registry is directed not to take the applications on file unless the appellants deposit the cost imposed by this Court.

22.06.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

- 1.The First Additional Sub Court, Tirunelveli.
- 2.The Principal District Munsif Court, Tirunelveli.
- 3.The Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

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