



S.A(MD)No.43 of 2008

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A(MD)No.43 of 2008

and

MP(MD)No.1 of 2008

- 1) S.Muppidathi Thevar
- 2) S.Murugesan

... Appellants

Vs.

- 1) P.Santiago Rajan (died)
- 2) P.S.Pushpa Rajan
(R2 is already on record and recorded as LR of
deceased R1 vide Court order dated 28.08.2019
made in CMP(MD)No.4691/2019)

- 3) Bharathirajan
- 4) Ilango Rajan
- 5) Prince Rajan
- 6) Jawahar Rajan
(R3 to R6 are brought on record as Lrs of
deceased R1 vide order dated 28.08.2019 made
in CMP(MD)No.4690 of 2019)

... Respondents



S.A(MD)No.43 of 2008

PRAYER: The Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 22.12.2006 made in A.S.No.235 of 2006 on the file of the I Additional Sub Judge, Tirunelveli reversing the Judgment and Decree dated 29.03.2006 made in O.S.No.557 of 2004 on the file of the Principal District Munsif Court, Tirunelveli.

For Appellants : Mr.M.P.Senthil

For Respondents : Mr.M.R.Srinivasan (for R2 to R6)

J U D G M E N T

When the matter was taken up for hearing on 31.01.2023, the learned counsel appearing for the appellants submitted that the first appellant passed away and the same was recorded. However, no steps have been taken till date.

2. When the matter is taken up for hearing today, the learned counsel for the appellants would submit that there no instruction from the second appellant. Hence, the learned counsel reported no instruction.



S.A(MD)No.43 of 2008

WEB COPY

3. In view of the above, this Second Appeal is dismissed as abated in respect of the first appellant and this Second Appeal is dismissed for non-prosecution in respect of the second appellant. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2023

skn

To

1.The I Additional Sub Judge, Tirunelveli.

2.The Principal District Munsif Court, Tirunelveli.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A(MD)No.43 of 2008

KRISHNAN RAMASAMY,J.

skn

S.A(MD)No.43 of 2008
and
MP(MD)No.1 of 2008

30.08.2023