



S.A.(MD)No.314 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.(MD)No.314 of 2009
and
M.P.(MD)Nos.1 of 2009 and 1 of 2010

- 1.Parvathi
- 2.Velammal
- 3.Selvarasi
- 4.Thatchinamoorthy
- 5.Anjali Devi
- 6.Selvarani
- 7.Arumugagani
- 8.Jothi
- 9.Dharmaraj
- 10.Chandran
- 11.Minor Vijayan
- 12.Minor Raja
- 13.Minor Nathiya

... Appellants / Respondents 1 to 10, 13 to 15 /
Plaintiffs 1, 3 to 9, 11, 12, 15 to 17

(Appellants 11 to 13 are represented by Guardian Dharmaraj / 9th appellant)

-Vs-

- | | |
|---------------------------------------|--|
| 1.Muthiah Nadar | ... 1 st Respondent / Appellant / 1 st Defendant |
| 2.Ravichandran | ... 2 nd Respondent / 16 th Respondent /
2 nd Defendant |
| through his Power Agent Mangaleswaran | |
| 3.Subramanian | ... 3 rd Respondent / 11 th Respondent /
13 th Plaintiff |
| 4.Murugan | ... 4 th respondent / 12 th Respondent /
14 th Plaintiff |



S.A.(MD)No.314 of 2009

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure to set aside the judgment and decree of the learned Additional District and Sessions Judge, Fast Track Court, Ramanathapuram, dated 26.12.2008 made in A.S.No.13 of 2008, reversing the judgment and decree of the Sub Court, Ramanathapuram, dated 22.02.2006 made in O.S.No.32 of 2004.

For Appellants : No Appearance

For R2 : Mr.S.Chandrasekaran

JUDGMENT

This Second Appeal is filed to set aside the judgment and decree of the learned Additional District and Sessions Judge, Fast Track Court, Ramanathapuram, dated 26.12.2008 made in A.S.No.13 of 2008, reversing the judgment and decree of the Sub Court, Ramanathapuram, dated 22.02.2006 made in O.S.No.32 of 2004.

2.Pending appeal, the 1st respondent died. Therefore, the appellants filed M.P.(MD)No.1 of 2010 to bring the legal representatives of the deceased 1st respondent as party to the appeal. When the petition was taken up for hearing on 04.08.2023, Mr.D.Senthil, learned counsel for the appellants submitted that the appellants had already received the bundle from him. Therefore, this Court directed the Registry to verify as to whether any vakalat



S.A.(MD)No.314 of 2009

is filed on behalf of the appellants and if not, print the name of the appellants.

However, without printing the name of the appellants, the petition was listed on 11.09.2023. Therefore, once again, this Court directed the Registry to print the name of the appellants and to post the matter on 13.09.2023.

3.Today, the matter is listed by printing the names of the appellants and despite the names of the appellants are printed, they have not chosen to appear either in person or through counsel. It shows that the appellants are not interested in pursuing the matter. Therefore, this Court has no other option except to dismiss the petition in M.P.(MD)No.1 of 2010 for non-prosecution. Accordingly, the same is dismissed for non-prosecution. Moreover, though the appeal is pending from the year 2009, the appellants have not shown any interest in proceeding with the matter. Hence, this Second Appeal is also dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva



WEB COPY



S.A.(MD)No.314 of 2009

KRISHNAN RAMASAMY, J.

Yuva

To

- 1.The Additional District and Sessions Judge,
Fast Track Court, Ramanathapuram.
- 2.The Sub District,
Ramanathapuram.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

S.A.(MD)No.314 of 2009

13.09.2023