



S.A(MD)No.815 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A(MD)No.815 of 2006 &
M.P(MD)Nos.1 of 2006 & 1 of 2009

1.Ramasamy @ Raman

2.Valli

...Appellants

vs.

1.Adaikkan

2.Solaiyan

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 16.12.2005 in A.S.No. 46 of 2005 on the file of the Subordinate Court, Devakottai reversing the Judgment and Decree dated 23.11.2004 in O.S.No.144 of 2004 on the file of the Additional District Munsif Court, Karaikudi.

For Appellants : No appearance

For Respondents : R1 - Died
No appearance for R2

For proposed respondents 3, 5 to 7 : Mr.Sundar Srinivasan
in M.P(MD)No.1 of 2009



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JUDGMENT

When this matter was taken up for hearing on 25.07.2023, the learned counsel appearing for the appellants submitted that he has given change of vakalath. Therefore, this Court directed the Registry to remove the name of the counsel for the appellants and print the name of the appellants.

2. Thereafter, when the matter was listed on 27.07.2023, the names of the appellants were printed in the cause list. However, there was no representation on behalf of them. Therefore, this Court directed the matter to be listed on 31.07.2023 'for dismissal'.

3. When the matter is taken up for hearing today, the learned counsel appearing for the proposed respondents 3, 5 to 7 submitted that possession was taken over by the respondents by filing Executive Petition before the lower Court. Probably, this may be the reason for non-appearance of the appellants before this Court.



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4. Even though this matter is listed under the caption 'for dismissal' today, there is no representation for the appellants, which shows that the appellants are not interested to proceed with the appeal. Therefore, the Second Appeal is dismissed for non-prosecution. No costs. Consequently, the connected Miscellaneous Petitions are closed.

31.07.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

To

- 1.The Subordinate Judge, Devakottai
- 2.The Additional District Munsif, Karaikudi
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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