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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

S.A(MD)NO.648 OF 2022
and
C.M.P(MD)No.9156 of 2022

C.Jacob :Appellant/Appellant/Third Respondent

.VS.

1.Baby @ Baby Gnanam

2.Flory Stella

3.C.Mary : Respondents 1 to 3/Respondents
1 to 3/Plaintiffs 1 to 3

P.KamalamI(died)

4.C.Rose

5.Assariah :Respondents 5 and 6/Respondents
5 and 6/Defendants 2 and 4

PRAYER: Second Appeal filed under Section 100 of the Civil Proedure Code against the judgment in A.S.No.6 of 2015, dated 25.4.2019, on the file of Sub-Court(Campus), Padmanabhapuram confirming the judgment and decree made in O.S.No.277 of 2011, dated 14.11.2014, on the file of the Principal District Munsif Court, Padmanabhapuram.

For Appellant :No appearance

For Respondents :Mr.V.M.Balamohan Thambi
1 to 3

**JUDGMENT**

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This Second Appeal is listed today under the caption "for dismissal", for the reason that there was no representation for the appellant for the hearing on 6.10.2023 and 30.10.2023. It is also seen from the adjudication orders that there was no representation for the appellant on 27.10.2022 and 30.3.2023. Therefore this Second Appeal was ordered to be listed for dismissal on 19.4.2023. On 19.04.2023, this Court directed both the counsels to submit brief notes of written submissions. However, no written submissions was filed by either side. This is a suit for partition by the respondents. The Second Appeal is filed against the concurrent judgments against granting a decree for partition in favour of the respondents. It appears that the appellant is not interested in prosecuting this Second Appeal. Further, the appellant had continuously remained absent on four occasions.

2. In the said circumstances, this Second Appeal is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

07.11.2023



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

To

- 1.The Sub-Judge,
Padmanabhapuram.
- 2.The Principal District Munsif,
Padmanabhapuram.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



G.CHANDRASEKHARAN,J.

vsn

**JUDGMENT MADE IN
S.A(MD)NO.648 OF 2022
and
C.M.P(MD)No.9156 of 2022**

07.11.2023