



S.A.(MD).No.63 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

S.A.(MD).No.63 of 2021 and
CMP(MD) No.806 of 2021

1. Sarasu,

2. Chinnammal

3. Adanchi

... Petitioners

Vs

Muthusamy,
S/o.Minjan,Ayyankurichi Village,T.
Pudukkottai Taluk, Ilaiyankudi Taluk,
Sivagangai District..

... Respondent

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No. 149 of 2019 on the file of the Sub Court, Manamadurai dated 29-11-2019 reversing the Judgment and decree passed in O.S.No. 8 of 2019 on the file of the Learned District Munsif Cum Judicial Court, Ilaiyankudi dated 05-01-2019.



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For Appellants : Mr.S.Paul Murugesh for
Mr.V.Selvakumar
For Respondents : Mr.A.Arun Ramnath for
Mr.G.Prabhu Rajadurai

J U D G M E N T

This second appeal is listed under the caption 'for dismissal'. This appeal is of the year 2021.

2. When the appeal was listed for hearing on 02.11.2023, it was ordered that despite the pendency of the appeal from the year 2021, the learned counsel for the appellants is not ready. On the representation of the learned counsel for the respondent, the appellants were directed to serve copy of the typed set of papers to the counsel for the respondent and was adjourned to 09.11.2023. On 09.11.2023, there was no representation for the appellants and it was represented by the learned counsel for the respondent that typed set of papers were not served on the respondent. Therefore, this appeal was ordered to be listed under the caption, 'for dismissal'. Thus, the matter is listed under the caption, 'for dismissal' today.



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3. Even today, Mr.S.Paul Murugesh, learned counsel representing the learned counsel for the appellants on record, submitted that the appellants are not ready. The learned counsel for the respondent submitted that despite orders from this Court, typed set of papers were not served on the respondent. The conduct of the appellants shows that the appellants did not care the orders passed by this Court. The fact that the appellants have not served the typed set of papers to the respondent and that the appellants are not ready show that the appellants are not interested in prosecuting this appeal. Therefore, the second appeal is dismissed for non prosecution. No costs. Consequently connected Miscellaneous Petition is closed.

23.11.2023

NCC : Yes/No

Index : Yes/No

RR

To

- 1.The Sub Court, Manamadurai
- 2.The District Munsif Cum Judicial Court, Ilaiyankudi
- 3.The Section Officer,
V.R.Section, Madurai Bench of Madras High Court,
Madurai.

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