



S.A.(MD).No.53 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

S.A.(MD).No.53 of 2019
and
C.M.P.(MD).No.1976 of 2019

Vellaichamy

... Appellant/1st Respondent/Plaintiff

Vs.

1.Parvathiammal

2.Sundaravalli

...Respondents/Appellants/Defendants 1 & 2

3.Mookaiah

...Respondents/2nd Respondent/3rd Defendant

Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code, to allow this appeal and set aside the judgment and decree of the Court of learned Subordinate Judge, Sankarankoil passed in A.S.No.26 of 2013 dated 28.08.2014 reversing the decree and judgment of the learned District Munsif, Sivagiri in O.S.No.10 of 2007 dated 06.09.2013 and decree the suit as prayed for with costs throughout and thus render justice.



For Appellant : No appearance

For R-1 : No appearance

For R-2 and R-3 : Died

JUDGMENT

On 14.02.2023, when the matter was taken up for hearing, this Court passed the following order:

"The learned counsel for the appellant had filed a memo on 11th October, 2022 stating that inspite of repeated reminders, the appellant had not given him instructions. This Court, by its order dated 11.10.2022, recorded the memo and directed the Registry to print the name of the appellant in the cause list and adjourned the matter to 12.10.2022. Since there was no representation for the appellant even on 12.10.2022, this Court directed the Registry to send a notice to the appellant informing him the date of hearing as 08.11.2022. Registry had sent a notice to the appellant and the same was returned with an endorsement "no such person". Even today, there is no representation on behalf of the appellant.

2. Post the matter on 15.02.2023 under the caption "for dismissal".



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2. Today, the matter is listed under the caption “for dismissal”. Even today, there is no representation for the appellant. Hence, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

15.02.2023

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

To

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



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SUNDER MOHAN, J.

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