



S.A.(MD)No.618 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.06.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.618 of 2022

V.Ramuthai

... Appellant

/Vs./

M.Murugan (Died)

1.M.Parimala

2.Minor M.Jothi

3.Minor M.Hariharan

... Respondents

(Minors 2 and 3 are represented through their mother and next guardian,
M.Parimala.)

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the judgment and decretal order dated 23.12.2021 made in A.S.No.14 of 2019, on the file of the learned Subordinate Judge, Periyakulam and by confirming the judgment and decree passed in O.S.No.148 of 2014 dated 12.03.2019 on the file of the learned District Munsif, Periyakulam and allow this Second Appeal by recovering the possession of the suit property from the 1st to 3rd respondents and hand over to the appellant / appellant / plaintiff.



S.A.(MD)No.618 of 2022

WEB COPY

For Appellant : No appearance

For Respondents : Mr.D.Srinivasa Ragavan

JUDGMENT

This matter is listed under the caption 'For Dismissal' today. There is no representation on the side of the appellant. The learned counsel appearing for the respondents is present.

2. As seen from the earlier proceedings, there has been no representation on the side of the appellant on 21.09.2022, 27.09.2022. On 24.03.2023, when the matter was listed before me, the learned counsel appearing for the appellant had submitted before this Court that the appellant was willing for mediation and on that date, the learned counsel appearing for the respondents sought time to get instructions as to whether the respondents were agreeable for mediation or not. Thereafter, the matter was adjourned to 05.04.2023.



S.A.(MD)No.618 of 2022

WEB COPY

3. On 05.04.2023, the learned counsel appearing for the respondents had submitted before this Court that the respondents were not agreeable for mediation. After recording the said submission, this Court had directed both the counsels to file their brief notes of submissions along with the authorities they rely upon before the next hearing date and the matter was adjourned to 27.04.2023 for the said performance.

4. On 27.04.2023, the learned counsel appearing for the respondents was ready. However, the learned counsel appearing for the appellant once again sought an adjournment and this Court had recorded the fact that for the third time, the appellant sought adjournment. Since repeated adjournments were sought for by the appellant, the matter was directed to be listed by this Court under the caption 'For Dismissal' today (01.06.2023).



S.A.(MD)No.618 of 2022

WEB COPY

5. Today also, there is no representation on the side of the appellant and only the learned counsel appearing for the respondents is present. It can now be inferred that the appellant is not interested in prosecuting the Second Appeal. Accordingly, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs.

01.06.2023

Index : Yes / No
NCC : Yes / No
Sm



S.A.(MD)No.618 of 2022

WEB COPY

TO:

- 1.The Subordinate Judge, Periyakulam.
- 2.The District Munsif, Periyakulam.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.(MD)No.618 of 2022

ABDUL QUDDHOSE, J.

Sm

Judgment made in
S.A.(MD)No.618 of 2022

Dated:
01.06.2023