



S.A(MD).Nos.139 and 140 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.(MD)Nos.139 and 140 of 2017
and C.M.P(MD)Nos.2201 and 2202 of 2017

SA(MD)No.139 of 2017:

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District
3. The Village Administrative Officer,
Palugal Post,
Kanyakumari District Appellants/Respondents/Respondents

Vs.

1. Nagappan Nair
2. Sudhakaran Nair ... Respondents/Appellants/Plaintiffs

SA(MD)No.140 of 2017:

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District Appellants/Respondents/Respondents

Vs.

1. Nagappan Nair
2. Sudhakaran Nair ... Respondents/Appellants/Plaintiffs



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Prayer in both Second Appeals: Second Appeals are filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 26.04.2011 passed in A.S.Nos.27 and 28 of 2009 on the file of the Sub Court, Kuzhithurai, reversing the judgment and decree dated 31.07.2000 made in O.S.Nos.333 of 2000 and 264 of 2002 on the file of the II Additional District Munsif Court, Kuzhithurai.

In both Second Appeals:

For Appellants : Mr.D.Gandhiraj
Special Government Pleader
For Respondents : Mr.M.R.Sreenivasan

COMMON JUDGMENT

As seen from the earlier proceedings, these matters are listed before me for 4th time. In fact, on 15.04.2023, when the matters were listed, this Court directed the Registry to post the matters under the caption 'for dismissal' on 18.04.2023 on account of no representation on the side of the appellants. As directed by this Court on 05.04.2023, the Registry had listed the matter for dismissal on 18.04.2023. However, even on that date, the learned Special Government Pleader appearing for the appellants was not ready and he sought further time to argue the matters despite the fact that the matters were listed under the caption 'for dismissal'. On the request made by the learned Special Government Pleader appearing for the appellants on 18.04.2023, despite the fact that the matters were listed under



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the caption 'for dismissal', this Court adjourned the matters for today's hearing, however, directed the Registry to list the matters under the caption 'for dismissal'.

2. As directed by this Court, the matters are listed under the caption 'for dismissal' today. Even today, the learned counsel representing the learned Special Government Pleader appearing for the appellants has sought further time to argue the matters.

3. These Second Appeals are of the year 2017 and sufficient opportunity has been granted to the learned Special Government Pleader appearing for the appellants to argue the matters and despite the same, he has failed to argue the matters. It can now be inferred that the appellants are not interested in prosecuting these Second Appeals. Accordingly, the Second Appeals are dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2023

Index : Yes/No
Internet: Yes/No
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To,

- 1.The Sub Court, Kuzhithurai
2. The II Additional District Munsif Court, Kuzhithurai.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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ABDUL QUDDHOSE, J.

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S.A.(MD)Nos.139 and 140 of 2017
and C.M.P(MD)Nos.2201 and 2202 of 2017

14.06.2023