



S.A.(MD)No.195 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.195 of 2017

and

C.M.P.(MD)Nos.3668 of 2017 and 11117 of 2019

1.S.Durairaj (died)

2.Vasanth

3.Sukumaran

4.Shyamaladevi

5.Karthikeyan

... Appellants

(Appellants 3 to 5 are brought on record as legal heirs of the deceased 1st appellant vide Court order 20.01.2022 made in CMP((MD)No.5836 of 2021 in S.A.(MD)No.195 of 2017)

/Vs./

Tamil Mani

... Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the decree and judgment in A.S.No.68 of 2012, on the file of the Principal Sub Court, Thanjavur, dated 28.03.2013 confirming the decree and judgment passed in O.S.No.158 of 2007 on the file of the District Munsif Court, Thiruvaiyaru, dated 28.09.2012.



S.A.(MD)No.195 of 2017

WEB COPY

For Appellants : No appearance
For Respondent : Mr.M.R.Sreenivasan

JUDGMENT

This matter is listed under the caption 'For Dismissal' today and the names of the appellants have been printed in the cause list today. On 20.03.2023, the learned counsel appearing for the appellants submitted before this Court that despite his attempt to contact his clients, he was unable to do so. He had sought time to file a memo to that effect.

2. On 23.03.2023, when the matter was listed for hearing, a memo was filed by the learned counsel appearing for the appellants enclosing the returned cover pertaining to the communication sent by him to the appellants. The memo as well as returned cover was taken on record by this Court. The learned counsel appearing for the appellants, on 23.03.2023, has also reported no instructions in this matter. Since the



S.A.(MD)No.195 of 2017

learned counsel appearing for the appellants reported no instructions, this Court directed the Registry to print the names of the appellants in the cause list and post the matter for hearing today. Accordingly, the matter has been listed on 29.03.2023.

3. Even on 29.03.2023, there was no representation on the side of the appellants. Therefore, this Court directed the Registry to post the matter under the caption 'For Dismissal' today. There is no representation on the side of the appellants once again. The learned counsel appearing for the respondent is present. It can now be inferred that the appellants are not interested in prosecuting this Second Appeal. Accordingly, this Second Appeal is dismissed for non prosecution. It is made clear that the interim order granted earlier in favour of the appellants stands vacated. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

31.03.2023

Index : Yes / No
NCC : Yes / No
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S.A.(MD)No.195 of 2017

ABDUL QUDDHOSE, J.

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TO:

- 1.The Principal Sub Court, Thanjavur.
- 2.The District Munsif Court, Thiruvaiyaru.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.

Judgment made in
S.A.(MD)No.195 of 2017

Dated:
31.03.2023