



S.A.(MD).No.427 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

S.A.(MD).No.427 of 2017

and

C.M.P.(MD).No.8877 of 2017

1.R.Ponnammal @ Royammal

2.R.Jeevaraj

... Appellants/Appellants/Defendants

Vs.

1.Regina Mary

2.Joshpin Mary

3.Sebasthiyayi

4.Velankanni

5.M.Gnanaprakasam

...Respondents/Respondents/Plaintiffs

Prayer: Second Appeal is filed under Section 100 of CPC to set aside the judgment and decree dated 05.10.2016 made in A.S.No.25 of 2015 on the file of the Subordinate Judge, Kovilpatti by confirming the judgment and decree dated 08.04.2015 made in O.S.No.91 of 2012 on the file of the District Munsif Court, Kovilpatti and allow this Second Appeal.

For Appellants : No appearance

For Respondents : Mr.S.Vellaichamy



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JUDGMENT

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The matter is listed under the caption "for dismissal" today. It is listed before me for the fifth time. For the first time on 14.03.2023, when the matter was listed before me, both the counsels sought time to argue the matter. At their request, the matter was adjourned to 21.03.2023. On 21.03.2023, there was no representation on the side of the appellants. Hence, this Court posted the matter for dismissal on 28.03.2023. As directed by this Court, the matter was listed for hearing on 28.03.2023 under the caption "for dismissal". On 28.03.2023, once again the learned counsel for the appellants was not ready and he sought for a short accommodation to argue the matter. Only on his request, the matter was adjourned to 12.04.2023. But, however, this Court directed the Registry to list the matter once again under the caption "for dismissal". On 12.04.2023, when the matter was listed under the caption "for dismissal", the learned counsel for the appellants once again sought time to argue the matter. Hence, at his request, once again the matter was adjourned to 21.04.2023, i.e., today.

2. Today, when the matter was called in the morning session, the learned counsel for the appellants sought for a pass over stating that he has engaged a senior counsel to argue the matter. The learned counsel for the respondents was



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also present. However, when the matter is once again called in the afternoon session, there is no representation on the side of the appellants, but only the learned counsel for the respondents is present. This Second Appeal is of the year 2017. 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. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

21.04.2023

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

To

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



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ABDUL QUDDHOSE, J.

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