



S.A.(MD).No.98 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2023

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A.(MD).No.98 of 2017

1.S.S.D.Ramamoorthy

... Appellant

/Vs./

Ponnusamy Nadar (Died)

1.Rajeswari

2.Murugan

3.Mottayasamy

4.Thangamani

5.Rajasekaran

6.Radha

...Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree dated 30.01.2015 made in A.S.No.14 of 2007 on the file of Principal District Court, Tuticorin, confirming the decree and the judgment dated 12.03.2003 rendered in O.S.No.18 of 2000, on the file of the Sub-Court, Kovilpatti.



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For Appellant : No Appearance

For R-1 to R-6 : Mr.M.P.Senthil

JUDGMENT

When the case was listed on the previous hearing, the Learned Counsel appearing for the appellant submitted he had handed over the bundle and reported no instructions. Hence this Court has ordered to issue notice to the appellant.

2. Today when the case is taken up for hearing it is seen that the notice issued by the Registry was returned with an endorsement “No Residence”. But the private notice send through RPAD was served on the appellant. However, the appellant has not taken any steps to adjudication through any counsel. Today also he is not present before this Court to adjudicate the case.

3. Therefore, this Court is of the considered opinion that the appellant is not interested in contesting the case. The suit is for partition.



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Therefore, this Court is inclined to dismiss this Second Appeal, with liberty, in case if the parties are interested to adjudicate, they may reopen the second appeal.

4. Hence, the Second Appeal is dismissed for non-prosecution. No costs.

06.11.2023

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

Nsr

TO:

- 1.The Principal District Court,
Tuticorin.
- 2.The Sub-Court,
Kovilpatti.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Nsr

Judgment made in
S.A.(MD).No.98 of 2017

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