



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Ninth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.2453 of 2022

in

SA(MD).No.282 of 2014

1. Maria John Patros

2. Maria Alexander

... Petitioners/ Appellants

Vs

1 Maria Josphine

2 John Mary

3 Kurusu Antony (Died)

4 Mary Vasantha

5 Jessy Flora

6 George Edwin

... Respondents/ Respondents

(R6 brought on record as Lrs of the deceased R3 vide order of court dated 03.10.2019 made in CMP(MD).No. 7115 of 2018 in SA.282 of 2014)

Prayer :-

Civil Miscellaneous Petition filed under order 41, Rule 19 of Civil Procedure Code to set aside the order of dismissal of the above S.A.No.282 of 2014 for non prosecution dated 21-11-2019 and restore the same to the file of this Court.

Prayer in SA(MD).No.282 of 2014

Second Appeal filed under Section 100 of the Civil Procedure code against the Judgment and decree dated 31.01.2011 passed by the Principal Subordinate Judge, Nagercoil in A.S.No.14/2010 in reversing the judgment and decree of I Additional District Munsif, Nagercoil dated 17.12.2009 in O.S.No.232/2005.



ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and no appearance of the parties either in person or through Counsel, this Court made the following order:

This petition is filed to set aside the order of dismissal of the above second appeal for non-prosecution dated 21.11.2019 and restore the same to the file of this Court.

2. Initially, Mr.D.Issac Manuel and Mr.H.Lakshmi Shankar have received change of vakalat from the petitioners. After filing the vakalat, the petitioners have requested them to return the bundle stating that they have engaged another counsel. After receiving the bundle, the petitioners have not engaged any counsel till date or appeared in person. Hence, this Court is of the view that the petitioners are not interested in prosecuting the case, but they drag the matter further. Therefore, this petition is dismissed for non-prosecution.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)



1. The Principal Subordinate Judge, Nagercoil

2. The I Additional District Munsif, Nagercoil

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 29/09/2023

ORDER

CMP(MD). No.2453 of 2022

in

SA(MD).No.282 of 2014

Dismissed the petition for
non prosecution

KB(07.11.2023) 3P 4C