



Transfer Appeal No.1135 of 2001

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

A.S.No.1135 of 2001

1. Easkiammal
2. Arunachala Konar

Appellants

vs.

Madathi Ammal

Respondent

PRAYER:- This Appeal Suit filed under Section 96 and Order XLI R.1 CPC against the Judgment and decree of Additional Subordinate Judge, Tirunelveli, dated 04.02.1986 passed in O.S.No.127 of 1984.

For Appellants : Mr. T.M. Hariharan

For Respondent : No appearance

ORDER

The learned counsel appearing for the appellants submits that out of the common Judgment passed in O.S.No.58 of 1982 and O.S.No.127



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of 1984, two appeals were preferred in A.S.No.411 of 1986 and Transfer Appeal No.1135 of 2001 before this Court. He further submits that cross objection was also filed in A.S.No.411 of 1986. The transfer Appeal No. 1135 of 2001 was originally filed before the District Court, Thirunelveli and the application to transfer the appeal before the District Court, Thirunelveli to the file of this Court in Tr.C.M.P.No.18105 of 1986 was allowed on 20.04.1987 with further direction to tag both the appeals.

2. The learned counsel further submits that A.S.No.411 of 1986 and the Cross Objection were dismissed by this Court vide Judgment, dated 27.10.1999 for not taking steps to implead the LR's of the sole appellant in the appeal. The learned counsel further submits that in the present Transfer Appeal No.1135 of 2001 also steps have not been taken to implead the LR's of the sole appellant and therefore, necessarily the appeal as far as the first appellant is concerned has to be dismissed for not taking steps. As far as the second appellant is concerned, the learned counsel submits that as a consequence of the dismissal of the appeal as against the first appellant, the same result would follow for the 2nd appellant also.

3. Recording the above statements of the learned counsel for



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the appellants, this Appeal Suit is dismissed. There shall be no order as to costs.

03.02.2023

Index : Yes/No
Internet : Yes/No
trp

To

The Additional Subordinate Judge, Tirunelveli,



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N. MALA, J.,

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