



S.A.No.236 of 1998

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.236 of 1998

and

C.M.P.No.2461 of 1998

- 1.Gopalakrishnaswami(Died)
- 2.Subbulakshmi
- 3.Rajesh

....9th Defendant/2nd Appellant
Appellant

*(A2 and A3 are brought on record as
LRS of the deceased sole appellant vide
Court order dated 30.01.2023)*

-Vs-

- 1.Venkataswami Naicker(Died)
- 2.Rangaswami Naicker
- 3.Subramania Naicker
- 4.Venkataswami
- 5.Krishnaswami
- 6.Ramaswami(died)
- 7.Dhanushkodi
- 8.Lakshmanan
- 9.Ellappa Naicker(Died)
- 10.E.Venkataswami
- 11.E.Navaneethakrishnan



S.A.No.236 of 1998

12.E.Guruvammal

13.Janaki

14.Minor Venkatesh

15.Minor Bhuvaneshwari

(Minors 14 to 15 are rept. By their mother and natural guardianship

13th respondent)

16.Thayammal(Died)

17.Avadaiammal(Died)

18.Thiruppathi

19.Sethuraj

20.Ragaveluchamy

21.Ramasubbu

(R10 to R12 are brought on record as LRS of the deceased 9th respondent, R13 to R15 are brought on record as LRS of the deceased 6th respondent, R16 to R21 are brought on record as LRS of the deceased R1 vide order dated 03.04.2012)

22.Krishnasamy

23.Subbalakshmi

24.Subburathinam

25.Adhilakshmi

26.Tharmaraj

(R22 to R26 are brought on record as LRS of the deceased 16th respondent vide Court order dated 25.04.2022)

27.Kosalai

28.Jeyalakshmi

29.Muthelraj

30.Rajaguru

...Plaintiff & Defendants 2 to
8 & 1st Defendants/
Respondents & 1st Appellants/
Respondents



S.A.No.236 of 1998

*(R27 to R30 are brought on record as LRS of the deceased
17th respondent vide Court order dated 28.01.2022)*

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 27.08.1987 passed in A.S.No. 145 of 1996 by the Principal Subordinate Court, Srivilliputhur, confirming the judgment and decree dated 19.02.1996 passed in O.S.No.677 of 1994 by the Additional District Munsif, Srivilliputhur.

For Appellant : Mr.T.Hariharan
(No appearance)

For R2 to 5, 7,8,
13 to 15, 25 to30 : Mr.A.Sivaji

For R1, 6, 9,16
&17 &22 : Died

For R10 to 12 &
R18 to 21 : No appearance

J U D G M E N T

When the second appeal is taken up for hearing today, there is no representation on behalf of the appellants. The second appeal is pending from the year 1998 and despite sufficient opportunity was given to the appellants, they are not ready to proceed with the appeal. It is seen from the records that R22 died. So for no steps have been taken.



S.A.No.236 of 1998

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2.In view of the above, this Second appeal is dismissed for default with cost of Rs.1,00,000/-(Rupees One Lakh only) to be paid before the Registry (Judicial). In case, the appellants file an application for restoration, the Registry shall not take the application for restoration on file, unless they deposit the cost of Rs.1,00,000/-. Consequently, connected C.M.P is closed.

19.04.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

- 1.The Principal Subordinate Court,
Srivilliputhur.
- 2.The Additional District Munsif,
Srivilliputhur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.A.No.236 of 1998

P.VELMURUGAN,J.

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S.A.No.236 of 1998
and
C.M.P.No.2461 of 1998

19.04.2023