



S.A.No.1125 of 1999

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.1125 of 1999

1.V.Ramasamy Poosari

2.Rakkammal

3.Janagi

4.Ariram

5.Jothimuthu

6.Athiprasakthi

...Appellants

(Appellants 2 to 6 are brought on record LR's of the deceased sole appellant vide Court order dated 23.09.2016 in C.M.P(MD)Nos.8039 to 8041 of 2016 in S.A(MD)No.1125 of 1999)

vs.

1.K.Ettiah Nadar

2.Mariammal

3.Nadarajan

4.Shanmugalakshmi



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5.Panjavaranam

6.Ghandhi

... Respondents

(Sole Respondent died. Memo in USR.No.607 of 2014 dated 03.02.2014 recorded vide order dated 03.03.2014 in S.A.No.1125 of 1999)

(Respondents 2 to 6 are brought on record as LR's of the deceased sole respondent vide Court order dated 20.01.2023 in C.M.P(MD)Nos.8042 to 8044 of 2016 in S.A.No.1125 of 1999)

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 29.09.1995 in O.S.No. 505 of 1994 on the file of the District Munsif Court, Sattur and Judgment and Decree dated 30.06.1997 in A.S.No.4 of 1996 on the file of the Principal District Court, Kamarajar District at Srivilliputhur.

For Appellants 2 to 6 : Mr.Athimoolapandian
for Mr.N.Damodharan

For R3 to R6 : Mr.A.Sivaji



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JUDGMENT

The learned counsel appearing for the respondents has filed a Memo dated 31.01.2023 stating that the second respondent died on 16.10.2018 itself. However, till date, the appellants have not taken steps to bring on record the legal representatives of the deceased second respondent. This shows that the appellants are not interested to proceed with the appeal and also the lethargic attitude of the counsel on record for the appellants.

2. In view of the above, the Second Appeal is dismissed for default. No costs.

06.06.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

mbi



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To

- 1.The District Munsif Court, Sattur
- 2.The Principal District Court,
Kamarajar District at Srivilliputhur.



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P.VELMURUGAN, J.

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