



S.A.No.549 of 2000

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 02.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**S.A.No.549 of 2000**

Lakshmanan Ambalam

... Plaintiff/Appellant/Appellant

-Vs-

1.Muthuraman (Died)  
2.Meenakshi  
3.Durai  
4.Manokaran (Died)  
5.Kamalam  
6.Sivanantham  
7.Susila (Died)  
8.Jegadeesan  
(Respondents 7 and 8 are brought on record  
as Lrs of the deceased 1<sup>st</sup> respondent  
vide Court order dated 18.03.2022)  
9.M.Mallika  
10.S.Kamalam  
11.M.Manikandan  
12.M.Ambika  
(Memo dated 09.01.2023 presented before the  
Court is recorded as 7<sup>th</sup> respondent died and  
R8 who is already on record is recorded as  
Lrs of the deceased R7 vide Court order  
dated 09.01.2023 made in S.A.No.549 of 2000)



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Respondents 9 to 12 are brought on record  
as Lrs of the deceased 4<sup>th</sup> respondent vide  
Court order dated 18.03.2022)

....Respondents

**PRAYER:** Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 29.06.1998 of the learned Additional District Judge-cum-Chief Judicial Magistrate, Pudukkottai in A.S.No.105 of 1996 confirming the judgment and decree dated 31.01.1996 of the learned Additional District Munsif, Pudukkottai in O.S.No.762 of 1988.

|               |                      |
|---------------|----------------------|
| For Appellant | : No appearance      |
| For R2 & R3   | : Mr.S.Deenadhayalan |
| For R6        | : Mr.P.Thiagarajan   |

### **JUDGMENT**

When the matter was taken up for hearing on 21.04.2023 learned counsel for the appellant has filed a memo of instruction stating that despite giving communication to his client, there is no response from him and reported 'no instruction'. Hence this Court directed the Registry to remove the name of the counsel for the appellant and print the name of the appellant. Today there is no representation for the appellant. The appeal is in the year 2000. Despite sufficient opportunity given to the appellant, the appellant has not come forward to prosecute the appeal. Therefore, this Second Appeal is dismissed for non-



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prosecution with costs of Rs.1,00,000/- (Rupees One Lakh only) payable by the appellant to the Registry. In case the appellant has filed any application to restore the appeal, Registry is directed not to take the application on file unless the appellant deposits the said amount imposed by this Court.

**02.06.2023**

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

- 1.The Additional District Judge-cum-Chief Judicial Magistrate,  
Pudukkottai.
- 2.The Additional District Munsif,  
Pudukkottai.
- 3.The Record Keeper,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.VELMURUGAN, J.**

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**02.06.2023**