



S.A.No.1157 of 2001

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.1157 of 2001

Chelvakani,
Through her Power of Attorney
Agent Ponnaintha Perumal
Lakshmipuram, Leepuram Post,
Kanyakumari Village,
Agastheeswaram Taluk,
Kanyakumari District.

...Appellant

VS.

1.Thiruvanantha Perumal
2.Ganeshan
3.Sivanthikani

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 20.02.2001 in A.S.No. 222 of 1999 on the file of the I Additional District Judge cum CJM, Thirunelveli confirming the Judgment and Decree dated 11.08.1999 in O.S.No.166 of 1991 on the file of the Principal District Munsif Court, Valliyur.



S.A.No.1157 of 2001

WEB COPY

For Appellant : Mr.M.P.Senthil

For Respondents : Mr.V.Balasubramanian for R2

JUDGMENT

On 03.02.2023, the learned counsel appearing for the first respondent has filed a Memo stating that the first respondent passed away on 04.07.2013. Since the appellant has not taken any steps the second appeal was dismissed as abated as against the first respondent on 27.04.2023. The matter was directed to be listed today for final disposal.

2. However, today, when the matter is taken up for hearing, the learned counsel appearing for the appellant is not ready to argue the case. The appeal is of the year 2001. It has been kept pending for more than 22 years. Despite sufficient opportunity being given to the appellant and the appeal is listed under the caption 'for final hearing' today, he is not ready to proceed with the appeal effectively. Therefore, this Court has no other option except to dismiss the appeal for non-prosecution. Accordingly, this Second Appeal is dismissed for non-prosecution with



S.A.No.1157 of 2001

cost of Rs.1,00,000/- (Rupees One Lakh only) payable by the appellant to the Registry to the credit of S.A.No.1157 of 2001. In case, the appellant files any application to restore the appeal, Registry is directed not to take the application on file unless the appellant deposits the cost imposed by this Court.

13.06.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

To

- 1.The I Additional District Judge cum CJM, Thirunelveli
- 2.The Principal District Munsif Court, Valliyur.
- 3.The Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.No.1157 of 2001

P.VELMURUGAN, J.

mbi

S.A.No.1157 of 2001

13.06.2023