



S.A.No.2147 of 2001

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.2147 of 2001

1.Alla Pitchai
2.Mustaffa

...Appellants

vs.

1.Muthukaruppa Thevar (died)
2.Sikkander
3.Usman
4.Abdulkareem
5.Pitchai Ammal
6.Hameed Beevi (died)
7.Balasubramanian
8.Ghandi @ Nagalingam
9.Manickam
10.Valli
11.Thenmozhi
12.Muthu
13.Jothi
14.Raja
15.Kannan
16.Thaleeshwari
17.Saravanan
18.Jayaraman
19.Duraisamy
20.Thillaimoorthy



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21.Saroja
22.Nazar Sha
23.Mohamed Sha
24.Amzed Sha
25.Abdul Kalam Azad Sha
26.Abul Barakat Sha
27.Shathik Sha
28.Hajira Fathima

... Respondent

(Respondents 10 to 21 are brought on record as LR's of the deceased 1st respondent as per the order of Court dated 05.10.2015 in M.P(MD)Nos.2 to 4 of 2012 in S.A.No.2147 of 2001)

(Respondents 22 to 28 are brought on record as LR's of the deceased 6th respondent as per the order of Court dated 05.10.2015 in M.P(MD)No.1 of 2015 in S.A.No.2147 of 2001)

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 17.11.1999 in A.S.No. 73 of 1998 on the file of the Principal District Court, Ramanathapuram reversing the Judgment and Decree dated 27.02.1998 in O.S.No.173 of 1989 on the file of the Additional District Munsif Court, Ramanathapuram.

For Appellants : No appearance

For Respondents : Mr.S.Ramesh
for R10 to R14, R21

No appearance
for R1 to R9, R15 to R20, R22 to R28



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JUDGMENT

When the matter is taken up for hearing today, there was no representation for the appellants. The earlier order of this Court, dated 13.06.2023, directing the learned counsel for the appellants to ascertain whether Parvathiammal is still alive or not and whether Parvathiammal is a legal representative of the deceased first respondent or not has not been complied with.

2. In view of the same, the Second Appeal is dismissed for default with cost of Rs.1,00,000/- (Rupees One Lakh only) payable by the appellants to the Registry to the credit of S.A.No.2147 of 2001. In case, the appellants file any application to restore the appeal, Registry is directed not to take the application on file unless the appellants deposit the cost imposed by this Court.

22.06.2023

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



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To

- 1.The Principal District Court, Ramanathapuram.
- 2.The Additional District Munsif Court, Ramanathapuram.
- 3.The Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

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