



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.1257 of 2001

and

C.M.P(MD)Nos.8230, 8231, 8232, 8233, 8234 & 8235 of 2018

- 1.A.M.Thirumalai Ammal
- 2.A.M.Palaniyandi Chettiyar
- 3.A.M.Perumal Chettiyar
- 4.A.M.Muthu Chettiyar
- 5.A.M.Rengan Chettiyar
- 6.A.M.Arumugam Chettiyar
- 7.A.M.Venkatachalam Chettiyar
- 8.A.M.Mohan Chettiyar
- 9.A.M.D.Vasantha
- 10.A.M.Baby

...Appellants

-Vs-

- 1.Chandrasekaran
- 2.Land Inspector,
Manapparai Municipality,
Manapparai.

...Respondents

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree, dated 16.02.2001 made in A.S.No.181 of 1991, on the file of the Principal Sub Court, Trichy reversing the judgment and decree



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dated 22.11.1994 made in O.S.No.329 of 1991 on the file of the District Munsif Court, Manapparai.

For Appellant : Mr.K.Govindarajan

For Respondents : No appearance

JUDGMENT

It is seen from the records that in the second appeal 7th appellant died in the year 2020 and steps have not been taken within 90 days from the date of death and hence, the appeal was dismissed as abated as against the 7th appellant. Therefore, the appellants filed an applications in C.M.P(MD)Nos.8230 to set aside the abatement with a delay of 1037 days and also bring on record the legal representatives of the 7th appellant. Pending these applications, 13th appellant, who is not bring on record in the second appeal, died and therefore, the applications in C.M.P(MD)No.8233 to 8235 of 2018 are also filed. In the above said applications when the notice sent to the respondents was returned as first respondent died, but sofar no steps has been taken.

2. The appeal is in the year 2001. Despite sufficient opportunity given to the appellant, the appellant has not come forward to prosecute the appeal and has



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not taken steps to bring on record the legal representatives of the deceased appellant and the first respondent. Therefore, this Second Appeal is dismissed for default 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. Consequently, all the connected miscellaneous petitions are closed.

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12.06.2023

To

- 1.The Principal Sub Court,
Trichy.
- 2.The District Munsif Court,
Manapparai.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

am

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