



S.A.No.2116 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.2116 of 2002 &  
M.P.(MD)Nos.1 to 7 of 2008 and 1 of 2010 &  
C.M.P.Nos.11114 & 11115 of 2004

- 1.Sukumaran Thambi
- 2.Sekaran Thambi
- 3.Viswam Thambi
- 4.Sasikumari Thangachi
- 5.Suseela Thangachi
- 6.Santhakumari Thangachi
- 7.Siyamala Thangachi
- 8.Baby Thangachi
- 9.Srikumari Thangachi
- 10.Balakrishna Pillai

...Appellants

vs.

- 1.Somasekaran Thambi
- 2.Valliamma Pillai Thangachi
- 3.Moganan Thambi
- 4.Sarojini Thangachi
- 5.Krishnamma Thangachi
- 6.Vasudevan Thambi

... Respondents



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Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 10.04.2002 in A.S.No. 62 of 1982 on the file of the Sub Court, Padmanabapuram confirming the Judgment and Decree dated 22.03.1982 in O.S.No.352 of 1981 on the file of the Additional District Munsif, Padmanabhapuram.

For Appellants : Mr.P.Thiagarajan

For Respondents : Mr.K.N.Thambi  
for R1

### JUDGMENT

The learned counsel appearing for the appellants would submit that there are 10 appellants in the appeal and out of them, 8 appellants have passed away. He would submit that he has sent a letter and also communicated over phone, however he is unable to get details with regard to the legal representatives of the deceased appellants. The learned counsel has also filed a Memo dated 22.08.2023 reporting 'no instructions'.

2. Considering the facts and circumstances of this case, this Court is of the opinion that since both the Courts below have dismissed the



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suit, the appellants might not be interested to prosecute the appeal, probably, that is the reason why, they have not come forward to provide appropriate instructions to the counsel.

3. In view of the above, the Second Appeal is dismissed for non-prosecution. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.08.2023

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

To

- 1.The Sub Court, Padmanabapuram
- 2.The Additional District Munsif, Padmanabhapuram
- 3.The Section Officer,  
Vernacular Records Section,  
Madurai Bench of Madras High Court,  
Madurai.



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KRISHNAN RAMASAMY, J.

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