



S.A.No.593 of 2002

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.593 of 2002

and

C.M.P.(MD)No.9509 of 2018

and

Cross.Objection No.19 of 2003

S.A.No.593 of 2002

Chinniah

... Appellant / 1st Respondent / Plaintiff

-Vs-

1.Palani (died)

... 1st Respondent / 1st Appellant / 1st Defendant

2.Subramanian

... 2nd Respondent / 3rd Respondent / 2nd Defendant

3.Nirmala Devi

... 3rd Respondent / 2nd Appellant / 4th Defendant

4.Palaniappan

... 4th Respondent / 2nd Respondent / 5th Defendant

5.Sivasankari

6.Muruga Boopathy

... Respondents 5 & 6

(R5 & R6 are brought on record as LRS., of the deceased 1st respondent vide Court order dated 29.04.2013 made in M.P(MD)No.2 of 2008 in S.A.No.593 of 2002)

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure to set aside the judgment and decree of the learned Principal District Judge, Pudukkottai, dated 18.12.2001 made in A.S.No.119 of 2000, reversing the



S.A.No.593 of 2002

judgment and decree of the learned District Munsif Cum Magistrate,
Thirumayam, dated 28.04.2000 made in O.S.No.42 of 1997.

For Appellant : No Appearance

For R5 & R6 : Mr.S.A.Ajmalkhan

Cross.Objection No.19 of 2003

Palaniappan

... Cross Objector

-Vs-

1.Chinnaiyah

2.Palani (died)

3.Subramanian

4.Nirmala Devi

5.Sivasankari

6.Muruga Boopathy

... Respondents

(R5 & R6 are brought on record as LRS., of the deceased 1st respondent vide Court order dated 10.07.2023 made in C.M.P(MD)No.9506 of 2018 in Cross.Obj.No.19 of 2003)

PRAYER: Cross Objection is filed under Section 15 of Letters Patent, to set aside the judgment and decree of the learned Principal District Judge, Pudukkottai, dated 18.12.2001 made in A.S.No.119 of 2000.

For Appellant : No Appearance

For R5 & R6 : Mr.S.A.Ajmalkhan



S.A.No.593 of 2002

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COMMON JUDGMENT

When the matter was taken up for hearing on 08.09.2023, none appeared on behalf of the appellant. Therefore, this matter was directed to be listed today (12.09.2023) under the caption 'for dismissal'.

2.Today also, when the matter is taken up for hearing, none appeared on behalf of the appellant and the cross objector. It shows that the appellant and the cross objector are not interested in pursuing the matter.

3.The learned counsel for the respondents 5 and 6 is present.

4.In view of the above, this Court has no other option except to dismiss this appeal as well as the cross objection for non-prosecution. Accordingly, this Second Appeal and the Cross Objection are dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2023

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

Yuva

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S.A.No.593 of 2002

KRISHNAN RAMASAMY, J.

Yuva

To

- 1.The Principal District Judge,
Pudukkottai.
- 2.The District Munsif Cum Magistrate,
Thirumayam.
- 3.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

S.A.No.593 of 2002
and
Cross.Objection No.19 of 2003

12.09.2023