



S.A.No.1924 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.1924 of 2003

Subbammal

...Appellant

vs.

1.Gomathi Ammal

2.Amaravathi

3.Murugesan

4.Saraswathi (minor)

(Represented by mother and natural guardian
1st respondent)

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 28.02.2003 in A.S.No. 29 of 2002 on the file of the Subordinate Judge, Srivilliputhur confirming the Judgment and Decree dated 18.03.2002 in O.S.No.648 of 1996 on the file of the Principal District Munsif, Srivilliputhur.

For Appellant : Mr.M.Ashok Kumar

For Respondents : Mr.Gomathi Sankar



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JUDGMENT

On last occasion, i.e., on 27.07.2023, the learned counsel appearing for the appellant orally submitted before this Court that he has to verify whether the appellant is alive or not. That is the reason why, this Court directed the Registry to print the name of the appellant along with the name of the learned counsel in the cause list and list the matter on 10.08.2023.

2. Today, i.e., on 10.08.2023, the name of the appellant as well as the name of the learned counsel appearing for the appellant are printed in the cause list.

3. When the matter is taken up for hearing, the learned counsel appearing for the appellant confirmed that the appellant is alive. However, he would submit that he is unable to get instructions from his client and therefore, reported 'no instructions'.



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4. On the other hand, the learned counsel appearing for the respondents would submit that the issue has been amicably settled between the parties and the appellant has executed sale deed in favour of the respondents 1 to 3 and therefore, nothing survives for further adjudication in this matter.

5. By recording the above facts, this Second Appeal is dismissed for non-prosecution, since the appellant neither provided appropriate instructions to the learned counsel nor appeared before this Court to proceed further with the appeal. No costs.

10.08.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

- 1.The Subordinate Judge, Srivilliputhur
- 2.The Principal District Munsif, Srivilliputhur.
- 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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