



S.A.No.2181 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21.07.2023

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.2181 of 2003

and

C.M.P(MD)No.4858 of 2005

- 1.S.Subbiah
- 2.Mohamed Mohaidheen
- 3.Peter Louis Pandian
- 4.Chinna Manickam

... Appellants

-VS-

- 1.Sivasami Thevar
- 2.P.Pandian
- 3.State of Tamil Nadu
Rep. by District Collector,
Tirunelveli.
- 4.Executive Engineer,
PWD, Rajapalayam,
Virudhunagar District.
- 5.Tahsildar,
Sivagiri Taluk,
Sivagiri Post,
Tirunelveli District.
- 6.Executive Engineer,
P.W.D (Planning)
Office of P.W.D Tirunelveli.



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7.Rasingaperi,
Ayacut Agriculturists Association,
Rayagiri through its President,
V.R.Madasamy.

... Respondents

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 16.09.2003 made in A.S.No.43 of 2003 on the file of the Sub Judge, Sankarankovil reversing the Judgment and Decree dated 10.03.2003 made in O.S.No.67 of 1986 on the file of the District Munsif, Sankarankovil.

For Appellants ... Mr.M.Sriram

For Respondents ... Mr.F.X.Eugene (for R1 and R2)

Mr.A.Baskaran
Addl. Govt. Pleader (for R3 to R6)

JUDGMENT

The learned counsel for the appellants would submit that the letter sent to the appellants 2 to 4 were returned unserved with an endorsement as 'deceased'. He would further submit that though the first appellant has received the letter, he has not sent any communication about the death and legal heirs of the deceased appellants. Therefore, the learned counsel reported 'no instruction' and he has filed a memo to that effect.



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WEB COPY 2. In view of the above submission, this Second Appeal is dismissed for default. No costs. Consequently, connected miscellaneous petition is closed.

21.07.2023

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

To:

- 1.The Sub Judge, Sankarankovil.
- 2.The District Munsif, Sankarankovil.
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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