



S.A.(MD)No.244 of 2004

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.(MD)No.244 of 2004 &
C.M.P.No.1069 of 2004

- 1.Perumal
- 2.Nagammal
- 3.Ramanujam Ammal
- 4.Alagammal
- 5.Balanagammal
- 6.Packialakshmi
- 7.Kannan
- 8.Sundaraj
- 9.Sulairaj
- 10.Vijayaraj
- 11.Jeyaraj

...Appellants

VS.

- 1.Krishna Nagulu Chettiar (died)
- 2.Perumal (died)
- 3.Rengaraj
- 4.Seenivasagan
- 5.Andal



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6.Nagalakshmi

7.Bani

8.Muthunagulu

9.Thirupathinagulu

10.Saraswathi

11.Muthulakshmi

12.P.Dhanabal

13.P.Thirupathy

14.P.Chithra

... Respondents

(R5 to R10 are brought on record as LR's of the deceased 1st respondent vide order of this Court dated 08.02.2008 in M.P.(MD)Nos.1 to 3 of 2007 in S.A.(MD)No.244 of 2004)

(R11 to R14 are brought on record as LR's of the deceased 2nd respondent vide Court order dated 25.07.2023 in C.M.P.(MD)Nos.4710 to 4712 of 2016 in S.A.(MD)No.244 of 2004)

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 22.10.2002 in A.S.No. 62 of 2001 on the file of the Sub Court, Aruppukottai confirming the Judgment and Decree dated 29.10.1997 in O.S.No.154 of 1994 on the file of the District Munsif Court, Aruppukottai.



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For Appellant : Mrs.Vijayakumari Natarajan
For Respondents : Mr.S.Parthasarathy
for R3 to R11 and R14

JUDGMENT

When the matter is taken up for hearing today, the learned counsel appearing for the appellants submitted that he is unable to get instructions from the appellants and the appellants have also not contacted him. Therefore, he reported 'no instructions'.

2. The appeal is of the year 2004. Though the appeal is pending for nearly 19 years, the appellants have not come forward to provide appropriate instructions to the counsel, which shows that they are not interested to prosecute with the appeal. In view of the same, the Second Appeal is dismissed for non - prosecution. No costs. Consequently the connected Miscellaneous Petition is closed.

19.09.2023

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

mbi



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To

- 1.The Sub Judge, Aruppukottai
- 2.The District Munsif, Aruppukottai
- 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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