



S.A.No.846 of 2002

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

S.A.No.846 of 2002

- 1.Saraswathy Amma
- 2.Vijayakumar
- 3.Sudhakumari
- 4.Sreekumar
- 5.Chandran

...Appellants

vs.

- 1.Kolappan Pillai
- 2.Murukesan
- 3.Ganesan
- 4.Veronickam
- 5.Jayarani
- 6.Mellin
- 7.Felcit
- 8.Packianathan
- 9.Muthayyan



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- 10.Ramayyan  
11.Thanumalayan  
12.Bhagavathy  
13.Peerukannu  
14.Appu Pillai  
15.Saraswathy  
16.Krishna Pillai  
17.Syamala  
18.Vasantha  
19.Nesamani Nadar  
20.Rasalayyan  
21.Chempakakutti Pillai  
22.Narayana Pillai  
23.Chellappan Pillai  
24.Selvaraj ... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 05.07.2001 in A.S.No. 88 of 1995 on the file of the Subordinate Court, Kuzhithurai setting aside the Judgment and Decree dated 22.03.1995 in O.S.No.59 of 1971 on the file of the Principal District Munsif Court, Kuzhithurai.



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For Appellants : No appearance

For Respondents : No appearance

### ORDER

When the matter was taken up for hearing on 26.04.2023, the learned counsel who appeared for the appellants submitted that the appellants have not turned up and has filed a Memo dated 26.04.2023 to that effect. Therefore, Registry was directed to cancel the vakalath filed by the appellants counsel and list the matter on 27.04.2023 under the caption 'for dismissal', by printing the names of the appellants.

2. Today, when the matter is taken up for hearing, there is no representation for the appellants. The appeal is of the year 2002. Despite sufficient opportunity being given to the appellants, the appellants have not come forward to proceed with the appeal effectively. Therefore, this Second Appeal is dismissed for non-prosecution with cost of Rs. 1,00,000/- (Rupees One Lakh only) payable by the appellants to the Registry to the credit of S.A.No.846 of 2002. In case the appellants file



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any application to restore the appeal, Registry is directed not to take the application on file unless the appellants deposit the cost imposed by this Court.

27.04.2023

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

*mbi*

To

- 1.The Subordinate Court,  
Kuzhithurai.
- 2.The Principal District Munsif Court,  
Kuzhithurai.



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P.VELMURUGAN, J.

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