



S.A.No.611 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2024

CORAM:

THE HONOURABLE Mr.JUSTICE **M.SUNDAR**

S.A.No.611 of 2010

Ranganatha Gounder (Deceased)

1. Veerappan
2. Elumalai
3. Rajaram

... Appellants

Vs.

Chinnasamy (Died)

1. Krishnamurthy
2. Anandaraj

... Respondents

Second Appeal has been filed under Section 100 of Code of Civil Procedure, 1908 against the judgment and decree dated 24.07.2006 made in A.S.No.17 of 2000 on the file of the Principal Subordinate Judge, at Tindivanam reversing the judgment and decree dated 19.01.2000 made in O.S.No.276 of 1995 on the file of District Munsiff-Cum-Judicial Magistrate at Vanur.

For Appellants : No Appearance
For Respondents : Ms.H.Kavitha
for Mr.S.Kaithamalai Kumaran



JUDGMENT

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 22.01.2024, which reads as follows:

$$X_{\text{eff}}^{\text{eff}} \approx 0.5 \text{ m}^2/\text{s}$$

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VLINDAR, J

Read this in conjunction with and in continuation of earlier proceedings made in the previous hearings on 12.01.2024 and 19.01.2024, which read as follows:

Proceedings dated 12.01.2024

S.A.Nobil of 2910

SECOND

MAILING label removed
from the office of Mr. Mohammad
Khan, court of record for both
the respondent, in before this Court,
but there is no representation for the
appellant, though the name of the
respondent is duly shown
in the name box, with the intention of
going, especially in the second
instance for appellants, the then notice
Appellant 08/01/2024.

12.01.2014



WEB COPY



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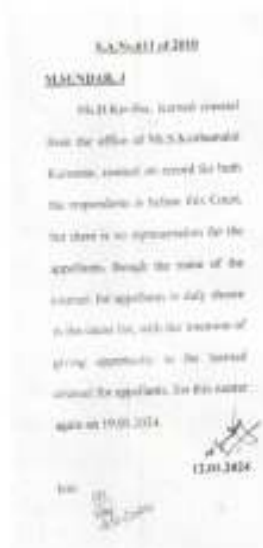
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Proceedings dated 19.01.2024

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M.SUNDARJ.

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.01.2024. A scanned reproduction of the same is as follows:



2. The position is no different today. Mr.J.R.Ruban Cheruvanthi, learned counsel from the office of M/s.S.Karthikeyan Kumaras, learned counsel on record for both the respondents is



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PLAINTIFF'S
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DEPT. 21, Court of Appeal, Madras, is hereby directed to
represent the respondents in the above captioned
matter in the Court of Appeal, Madras, in the event of
the respondents failing to do so.

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3. The position is no different today. In other words, Mr.H.Kavitha,
learned counsel from the office of Mr.S.Kaibamathi Karanam, entered an
appearance for both the respondents in before this Court, but there is no
representation for the appellants (no representation for third consecutive
listing).

4. In the light of the narrative thus far, list captioned Second Appeal
under the cause list caption 'FOR DISMISSAL' tomorrow.

10-1-2024

22.01.2024

km:

10-1-2024

2. Pursuant to aforementioned 22.01.2024 proceedings, captioned
matter is listed under the cause list caption 'FOR DISMISSAL'. The position
is no different today. In other words, there is no representation for the
appellants. To be noted, this is the fourth consecutive listing where there is



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no representation for appellants but Ms.H.Kavitha, learned counsel from the office of Mr.S.Kaithamalai Kumaran for respondents is before this Court and learned counsel is ready.

3. In the light of the narrative thus far, taking recourse to Order XLI Rule 17 of 'The Code of Civil Procedure, 1908' ('CPC' for the sake of brevity), captioned Second Appeal is dismissed for appellants' default. There shall be no order as to costs.

23.01.2024

Index: Yes/No

Speaking order: Yes/No

NCC : Yes/No

kmi

To

1. The Principal Subordinate Judge,
Tindivanam.
2. The District Munsif-cum-Judicial Magistrate,
Vanur.



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M.SUNDAR, J

kmi

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23.01.2024