



S.A.No.1455 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

S.A.No.1455 of 2011

and

M.P.No.1 of 2011

1.Elayappan
2.Saminathan

...Plaintiff / Respondents /
Appellants

-Vs-

1.Pavayi
2.Prabhu
3.Perumayi
4.Muthu
5.Dhanam

...Defendants / Appellants /
Respondents

6.Nelliappan
7.Kandassamy
8.Sathiamoorthy
9.Pushpa

...Defendants 3,5,10 & 11 /
Respondents 3 to 6 /
Respondents

Prayer:- Second Appeal preferred under 100 of CPC against the judgment and decree dated 29.06.2011 made in A.S.No.66 of 2010 on the file of the Additional District Court, Fast Track Court No.I, Salem, reversing the judgment and decree dated 22.01.2010 made in O.S.No.80 of 2004 on the file of the Sub Court, Attur.



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For Appellants : No appearance
For R1, R2 & R4 : Mr.P.Jagadeesan
For R5 : Dismissed vide Court order dated 16.12.2022
For R6 : Died vide Memo filed SR.No.3187 dated 22.04.2013
For R3, R7 to R9 : No appearance

J U D G M E N T

This Court, by order dated 10.09.2024, passed the following order:

“On 26.07.2024, the learned counsel for the appellants reported before this Court that he had received no instructions from his clients and subsequently, he also made an endorsement in the case bundle. Further, he also requested this Court to withdraw his appearance and the appellants names to be printed in the cause list.

2. Although the registry has printed the appellants' names, no one has entered appearance on their behalf, either in person or through counsel.

3. It is seen from the docket orders that from the year 2011 itself, the case has been adjourned without being argued by the appellants and also without any valid reasons. It reveals that the appellants are not ready to lead the case.

4. As a final opportunity, considering the interest of justice, the matter is listed after two weeks under the caption



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“for dismissal””

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2. Even though the appeal is listed under the caption “For Dismissal” today [30.08.2024], there is no representation for the appellants. Hence, this Court is left with no other option except to dismiss the appeal for non-prosecution.

In the result, the **Second Appeal stands dismissed for Non-Prosecution**. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The Additional District Court,
Fast Track Court No.I, Salem.
- 2.The Sub Court, Attur.
- 3.The Section Officer, VR Records,
High Court, Chennai.



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N.SENTHILKUMAR, J.

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