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S.A. No. 374 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

S.A. Nos.374 & 375 of 2016

In both Appeals:

A. Dakshinamoorthy

... Appellant

Versus

G. Palanisamy

... Respondent

Prayer in S.A.No.374 of 2016: Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, to set aside the Judgment and Decree dated 27.10.2014 passed in A.S.No.44 of 2012 on the file of the Principal District Court, Cuddalore, in confirming the Judgment and Decree dated 02.03.2012 passed in O.S.No.110 of 2011 on the file of the I-Additional Subordinate Court, Cuddalore and dismiss the suit with costs by allowing this Second Appeal.

Prayer in S.A.No.375 of 2016: Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, to set aside the Judgment and Decree dated 27.10.2014 passed in A.S.No.45 of 2012 on the file of the Principal District Court, Cuddalore, in confirming the Judgment and Decree dated 02.03.2012 passed in O.S.No.60 of 2009 on the file of the I-Additional Subordinate Court, Cuddalore and dismiss the suit with costs by allowing this Second Appeal.



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For Appellant : Mr. K.R. Ramesh Kumar & Ms. L.K. Rita
For Respondent : Mr. A. Nilaphar,
for Ms. R. Meenal

COMMON JUDGMENT

The Second Appeals have been listed for hearing under the caption “for dismissal” today. The learned counsel for the appellant reported that the sole appellant had passed away, despite taking efforts to bring on record the legal heirs of the deceased sole appellant, till date, no instructions had been received from the appellant side.

2. In an earlier occasion, this Court by order dated 17.10.2024 passed the following order:-

“On 30.09.2024, the learned counsel submits that they have sent a letter to the appellant and there has been no instruction from the appellant, and they also filed an application in C.M.P. SR. No.37617 of 2024 to bring the legal representatives on record.

2. Today, 17.10.2024, when the matter was taken up for hearing, the learned counsel for the appellant submits that they have no instruction to get along with the case, the learned counsel for the appellant expresses their inability.

*3. Post the second appeals under the caption “**For Dismissal**” on 21.10.2024.”*



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3. Considering the submissions made by the learned counsel for the appellant and the fact that the appellant's failure to provide instructions to their counsel, this Court has no option but to dismiss the Second Appeals for non-prosecution.

4. Accordingly, these Second Appeals are hereby dismissed for non-prosecution. No costs.

21.10.2024

Index :Yes/No

Speaking/Non-Speaking Order

Neutral Case Citation : Yes/No

To:

1. The Principal District Court, Cuddalore.
2. The I-Additional Subordinate Court, Cuddalore.
3. The Section Officer, V.R.Section, High Court of Madras.

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N.SENTHILKUMAR, J.

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