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S.A.Nos.650 and 651 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2024

CORAM:

**THE HONOURABLE MRS. JUSTICE R. HEMALATHA**

**S.A.Nos.650 and 651 of 2019**

1. K.Sekar

2. K.Manohar @ Karnan

... Appellants in both appeals

VS.

Dalmia Cement Bharat Limited

Proprietor, Dalmia Magnesite Corporation

Represented by Chief Officer / General Manager,

S.Veerarahavan

Nos.10 & 11, Dalmia New Colony,

Vellakkalpatti Village, Salem - 636 012.

Office of Chief Officer,

Vellakkalpatti Village,

Omalur Taluk, Salem - 636 012.

... Respondent in S.A.No.650 of 2019

Dalmia Magnesite Corporation

Represented by its Executive Director

Having office at

Vellakkalpatti Village,

Omalur Taluk, Salem District.

... Respondent in S.A.No.651 of 2019

**PRAYER in S.A.No.650 of 2019:** Second Appeal filed under Section 100 of Civil Procedure Code against the decree and judgment dated 15.02.2019 in A.S.No.14 of 2018 (Old A.S.No.56 of 2014) on the file of the Sub Court, Omalur, Salem District, upholding the decree and judgment dated 27.08.2014 in O.S.No.151 of 2003 on the file of the District Munsif cum Judicial Magistrate Court, Omalur.



S.A.Nos.650 and 651 of 2019

**PRAYER in S.A.No.651 of 2019:** Second Appeal filed under Section 100 of Civil Procedure Code against the decree and judgment dated 15.02.2019 in A.S.No.43 of 2018 (Old A.S.No.57 of 2014) on the file of the Sub Court, Omalur, Salem District, upholding the decree and judgment dated 27.08.2014 in O.S.No.216 of 2000 on the file of the District Munsif cum Judicial Magistrate Court, Omalur.

**In both appeals :**

For Appellants : No appearance

For Respondents : Mr.S.Mukunth  
for M/s.Sarvabhuman Associates

**COMMON JUDGMENT**

When the matters are taken up for hearing today, there is no representation for the appellants.

2. On 22.10.2024, this Court passed the following orders:

*"The daily order dated 14.10.2024 passed by this Court in the above appeals reads as follows :*

*"Mr.M.Tamil Thendral Arasu, learned counsel for the appellants and M/s.Sarvabhauman Associates, learned counsel for the respondent are before this Court.*

*2. Learned counsel for the appellants submits that he has no instructions from the appellants. However, he prays a week's time to report 'no instructions'.*



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*3. With a view to give one more opportunity to the appellants and in the interest of justice, these Second Appeals are adjourned to 22.10.2024. It is made clear that no further adjournment will be granted on that day".*

*2. Mr.M.Tamil Thendral Arasu, learned counsel for the appellants made the same kind of representation even today. However, with a view to give one more opportunity to the appellants to contest these second appeals, these second appeals are adjourned.*

*3. List these second appeals on 28.10.2024."*

3. Further, on 28.10.2024, this Court passed the following orders :

*"Mr.M.Tamil Thendral Arasu, counsel for the appellants and Ms.N.S.Keerthitha, representing counsel for M/s.Sarvabhauman Associates, counsel on record for the respondent are before this court.*

*2. The learned counsel for the appellants submits that he has no instructions from the appellants. His further submits that he sent a letter dated 23.10.2024 to the appellants, but the acknowledgment card has not yet been received. In the circumstances, he prays a week's time to make an endorsement in the case file.*

*3.At request of the learned counsel for the*



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*appellants, list the matter on 12.11.2024."*

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4. When the appeals are taken up today, there is no representation for the appellants. In view of the same, the Second Appeals are dismissed for non prosecution. No costs.

**29.11.2024**

mtl

Index : Yes/No

Speaking / Non-speaking order



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- 1.The Sub Court, Omalur, Salem District.
- 2.The District Munsif cum Judicial Magistrate Court, Omalur.
3. The Section Officer, VR Section, High Court, Madras

**R.HEMALATHA, J.**

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