WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

S.A.NO.112 OF 2019
AND CMP NO.2443 OF 2019

1.V.Karunanidhi
2.V.Kala
3.V.Kannagi
4.V.Palani ... Appellants /Appellants / Defendants 1 to 4

Vs.

1.V.Manoharan
2.V.Sundaram ... Respondents / Respondents / Plaintiffs

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, praying to set aside the judgment and decree dated 25.07.2017 of the learned XIX Additional Judge, Madras in A.S.No.350 of 2014 in so far as disallowing the appeal in respect of Item 3 property of the counter claim while confirming the judgment and decree dated 16.12.2013 passed by the I Assistant Judge, City Civil Court, Madras, in O.S.No.2737 of 2011, in respect of Item 3 property of the counter claim.

For Appellants : Ms.D.Hemavathy
for M/s.Bijai Sundar K.
For Respondent-1 : Served – No appearance
For Respondent-2 : Ms.J.Hemamalani

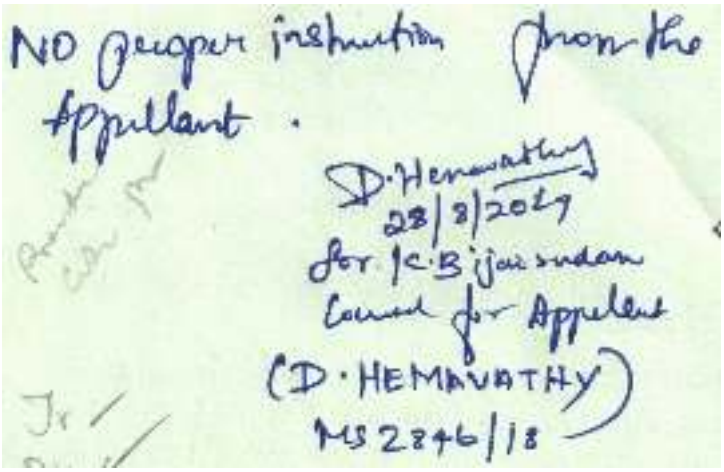
JUDGMENT

https://www.mhc.tn.gov.in/judis

WEB COPY

When the matter was listed before this Court on 06.08.2024, there was no representation on behalf of the appellants and the matter was directed to be listed on 13.08.2024. Subsequently, when the matter was taken up for hearing on 13.08.2024, learned counsel for the appellants has submitted that '*she sent a letter to the appellants but no instructions received from the appellants'*. This Court, with a view to give one more opportunity to both the parties, adjourned the appeal to be listed today.

2.Even today, Ms.D.Hemavathy, learned counsel representing Mr.K.Bijai Sundar, learned counsel on record for the appellants reported no instructions. In that effect, she has made an endorsement in the case file and a scanned reproduction of the same is as follows:



https://www.mhc.tn.gov.in/judis

WEB COPY

3.In view of the endorsement made, this Second Appeal is dismissed for default. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

28.08.2024

TK

To

1.The XIX Additional Judge
XIX Additional City Civil Court
Chennai.

2.The I Assistant Judge
I Assistant City Civil Court
Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

R.SAKTHIVEL, J.

TK

S.A.NO.112 OF 2019

28.08.2024

https://www.mhc.tn.gov.in/judis