



*C.M.A(MD)No.832 of 2011*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 09.02.2024

CORAM:

THE HON'BLE MR.JUSTICE **P. DHANABAL**

**C.M.A(MD)No.832 of 2011**

1.Anil Kumar Daga

2.Srigopal Jhaver

3.Kirti Kumar Baheti

... Plaintiffs/Petitioners/  
Appellants

Vs.

1.P.Saraswathi

2.N.Ponnusamy

3.K.Krishnamurthy

4.M.Nachiumuthu Gounder

5.M.Subramani Gounder

6.P.Murugesan

7.P.Mariappa Gounder

8.P.Periyasamy (Since Died)

9.Pongia Gounder (Died)

10.P.Palaniappan (Died)



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11.S.Chinnasamy

... Defendants/Respondents  
Respondents

**Prayer :** This Civil Miscellaneous Appeal filed under Section 104(1)(i) r/w Order XLIII, Rule 1(c) of Civil Procedure Code, against the fair and decreetal order, dated 06.04.2011 made by the Additional District Judge, Fast Tract Court at Dindigul rejecting I.A.No.40 of 2011 in O.S.No.46 of 2007 filed by the Appellants / Plaintiffs under Order 9 Rule 9 of CPC.

For Appellants : Mr.M.Rajaraman  
for Mr.R.Parthiban

For R-1, R-3  
R-4, R-5 & R-11 : No appearance

R-2, R-8 to R-10 : Died

R-6 & R-7 : Dismissed for default

### **JUDGMENT**

When the matter is taken up for hearing today, the learned Counsel appearing for the appellant filed a Memo on 09.02.2024 reported that "No instruction" from the appellants in spite of repeated reminders. Already this case was posted for taking steps for the deceased second appellant.



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Hence, this Civil Miscellaneous Appeal stands dismissed for default.

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There shall be no order as to costs.

**09.02.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

- 1.The Additional District Judge, Fast Tract Court,  
Dindigul.
- 2.The Section Officer,  
Vernacular Record Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**P. DHANABAL, J.**

BTR

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