



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 13 of 2012
and
CROS.OBJ(MD)No.19 of 2022
and
M.P(MD)No. 2 of 2012

Sanjeevinathan

...Appellant

Vs.

1. M.Swaminathan (Died)
2. M. Selvam @ Thiraineethi Selvam
3. Krishnaveni
4. Indira
5. Vasantha
6. Arunarani

...Respondents

[Respondents 3 to 6 are brought on record as LR's of the deceased 1st respondent vide Order of this Court, dated 26.11.2024]

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 29.06.2011 passed in A.S.No.4 of 2001 on the file of the District and Sessions Court, Sivagangai, partly allowing the appeal without cost modifying the Decree and Judgment dated 14.12.2010 rendered by the Learned Subordinate Judge, Sivagangai in O.S.No.5 of 2008 on his file dismissing the suit with Cost.

For Appellant : Non appearance

For Respondents :Mr.A.L. Vijey Devraj

**CROS.OBJ(MD)No.19 of 2022**

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1. M.Swaminathan (Died)
2. M. Selvam @ Thiraineethi Selvam
3. Krishnaveni
4. Indira
5. Vasantha
6. Arunarani

...Cross Objectors

[Cross Objectors 3 to 6 are brought on record as LRs of the deceased 1st Cross Objector vide Order of this Court, dated 26.11.2024]

Vs.

Sanjeevinathan

...Respondent

PRAYER: Cross Appeal is filed under Section 100 of the Civil Procedure Code, to allow the Cross appeal and thereby setting aside the Judgment and Decree in A.S.No.4 of 2001 on the file of the District and Sessions Court, Sivagangai, dated 29.06.2011 as far as the same is against the appellants, partly allowing and modifying the Decree and Judgment passed in O.S.No.5 of 2008, dated 14.12.2010 on the file of the Learned Subordinate Judge, Sivagangai with Cost.

For Cross Objectors : Mr.A.L. Vijey Devraj

For Respondents : Non appearance

COMMON JUDGMENT

In the last hearing there was no representation on the side of the appellants in S.A(MD)No.13 of 2012 and respondents in Cross Objectors in



CROS.OBJ(MD)No.19 of 2022. Since they were not represented either by Counsel or by themselves to prosecute these matters, these matters were posted today (i.e. 12.12.2024) under the caption 'for dismissal'. Today also they have not represented by their Counsel and they are not present in person, which shows that they are not interested in prosecuting these matters.

2. Accordingly, the Second Appeal and Cross Objection are dismissed for non prosecution. No Costs. Consequently, connected miscellaneous petition is closed.

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

12.12.2024

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To

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1. The District and Sessions Court, Sivagangai.
2. The Subordinate Court, Sivagangai
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J

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Common Judgment made in
S.A(MD)No.13 of 2012
and
CROS.OBJ(MD)No.19 of 2022

12.12.2024