



S.A(MD)No.52 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.07.2024

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

S.A(MD)No.52 of 2011 and
M.P(MD)Nos.1 and 2 of 2011

1.Nagaru Pillai
2.Muthaiah Pillai
3.Ayyam Pillai

... Appellants

-VS-

1.Ramu Ammal (died)
2.Ganapathiya Pillai (died)
3.Krishna Pillai
4.Subbulakshmi
5.Subramania Pillai
6.Kumaran Pillai
7.Velamma
8.Gandhimathi
9.Parameswaran Pillai
10.Parvathi @ Mariammal

11.State of Tamil Nadu,
Rep by District Collector,
Nagarcoil,
Kanyakumari District.

... Respondents

PRAYER: Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 28.07.2010 made in A.S.No.30 of 2009 on the file of the Principal Sub Judge, Nagercoil confirming the Judgment and Decree dated 26.04.2006 made in O.S.No. 74 of 1976 on the file of the I Additional District Munsif, Nagercoil.



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For Appellant
For Respondents

... Mr.R.Subramanian
... Mr.C.Dhanaseelan
(for R3, R4 & R6 to R9)
Mr.P.T.Thiraviam (for R11)

JUDGMENT

When the matter was taken up for hearing today, the learned counsel appearing for the appellants would submit that the letter sent to the appellants 1 and 2 were returned with an endorsement as 'died' and the letter sent to the third appellant was received by one Jeyalakshmi, however, there is no instruction from her till today. Hence, the learned counsel reported “No Instruction”. The learned counsel has also filed a memo to that effect.

2. Recording the same, this second appeal is dismissed as abated in respect of the appellants 1 and 2 and the second appeal is dismissed for non-prosecution in respect of the third appellant. No costs. Consequently, connected miscellaneous petitions are closed.

09.07.2024

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



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To:

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- 1.The Principal Sub Judge, Nagercoil.
- 2.The I Additional District Munsif, Nagercoil.
- 3.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

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and
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