



S.A.No.364 of 2006

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**S.A.No.364 of 2006
and
C.M.P.No.2859 of 2006**

1.P.Muthukaruppan
2.P.Ondi

... Defendants/Appellants/
Appellants

.VS.

1.V.Muniyandi
2.V.Karuppaiah
3.Ondi Veerammal
4.M.Aadavalli
5.M.Paulraj
6.M.Ondiveeri
7.M.Muthupandi
8.M.Ponnuthayee
9.M.Paulpandi
10.Minor Jeyapandi
(Rep. by mother M.Aadavalli)
11.Minor Lakshmi
(Rep. by mother M.Aadavalli)
12.A.Ponnavadai
13.A.Kandasamy
14.P.Ponnammal

... Plaintiffs/Respondents/
Respondents



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PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 13.10.2005 made in A.S.No. 25 of 2004, on the file of the Sub-Court, Aruppukottai confirming the judgment and decree dated 06.08.2004 made O.S.No.170 of 1996, on the file of the District Munsif Court, Aruppukottai.

For Appellants : No appearance

For R1 to R3 : Mr.Vijayakumari Natarajan

J U D G M E N T

When the matter was taken up for hearing on 31.01.2017, it was reported that the first appellant died and sought time for taking steps. However, no steps have been taken till today.

2. When the matter was taken up for hearing on 06.08.2024, the learned counsel appearing for the appellants reported 'No Instructions' and he has also filed a memo to that effect. The said memo is recorded.



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3. Hence, this Court directed the Registry to print the name of the appellants in the cause-list and posted the matter under the caption 'for dismissal' today i.e., on 07.08.2024. Today also there is no representation on behalf of the appellants either in person or through counsel. This shows that the appellants are not interested in prosecuting the appeal. Hence, this Court has no other option except to dismiss the appeal for non-prosecution.

4. Accordingly, the second appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

Speaking Order : Yes / No

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To

- 1.The Sub-Court,
Aruppukottai.
- 2.The District Munsif Court,
Aruppukottai.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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