



S.A(MD)No.380 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.09.2024**

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**S.A(MD)No.380 of 2006
and
C.M.P(MD)No.3063 of 2006**

Ramasamy

... Appellant

Vs.

1.Lakshmi
2.Balmurugan
3.Balakrishnan
4.Indira

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 10.06.2003, on the file of the Sub-Court, Kovilpatti in A.S.No.13 of 2002 modifying the judgment and decree dated 28.09.2001, on the file of the District Munsif Court, Kovilpatti made in O.S.No.154 of 1996.

For Appellant : No appearance

For Respondents : Mr.M.P.Senthil



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JUDGMENT

When the matter was taken up for hearing on 30.08.2024, the learned counsel appearing for the appellant submitted that the letter sent to the appellant has been returned as 'deceased' and since his legal heirs are not turned up for giving instructions, the learned counsel appearing for the appellant reported 'no instructions'. Hence, this Court had directed the Registry to print the name of the appellant in the cause list and directed to list the matter on 03.09.2024.

2. When the matter is taken up for hearing today, even though the name of the appellant has been printed in the cause list, there is no representation on behalf of the appellant and the same clearly indicates that the legal heirs of the appellant have not shown any interest to prosecute the appeal any further. Hence, the Second Appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

NCC : Yes/No
Index : Yes/No
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To

- 1.The Sub-Court,
Kovilpatti.
- 2.The District Munsif Court,
Kovilpatti.
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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Judgment made in
S.A(MD)No.380 of 2006

03.09.2024