



S.A(MD)Nos.404 & 405 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

**S.A(MD)Nos.404 & 405 of 2006
and
C.M.P(MD)Nos.3305 & 3306 of 2006**

S.A(MD)No.404 of 2006

Rajendran

... 1st Defendant/Appellant/
Appellant

Vs.

1.Kamatchiapillai
2.Ramasami (Died)
3.Kaleeswaran
4.Subramanian
5.Ammal
6.Ganapathi
7.Ponnuchami
8.Muthumari

... Plaintiffs 3 to 10/Respondents/
Respondents

9.Raju
10.Chellammal

... Defendants 2 & 3/Respondents/
Respondents

(Respondents 9 & 10 remained
ex-parte in both the trial & appellate Court)

11.R.Santhosh
12.R.Selvaganesh
13.R.Ramakrishnan
(R11 to R13 are brought on record as
LRs of the deceased R2 vide order
dated 21.07.2010)



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Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 21.02.2005 made in A.S.No.120/2002, on the file of the Sub-Court, Sivagangai partly modified the judgment and decree of the Principal District Munsif Court, Manamadurai in O.S.No.150/1995, dated 19.04.2002 insofar as it is against the appellant.

S.A(MD)No.405 of 2006

Rajendran

... 1st Defendant/1st Respondent/
Appellant

Vs.

1.Kamatchiapillai
2.Ramasami (Died)
3.Kaleeswaran
4.Subramanian
5.Ammal
6.Ganapathi
7.Ponnuchami
8.Muthumari

... Plaintiffs 3 to 10/Appellants/
Respondents

9.Raju
10.Chellammal

... Defendants 2 & 3/Respondents/
Respondents

(Respondents 9 & 10 remained
ex-parte in both the trial & appellate Court)
(Respondents 1 to 6 were impleaded as
LRs of the second plaintiff and
Respondents 7 & 8 as the LRs of the
first plaintiff in the Trial Court)



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11.R.Santhosh

12.R.Selvaganesh

13.R.Ramakrishnan

(R11 to R13 are brought on record as
LRs of the deceased R2 vide order
dated 21.07.2010)

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 21.02.2005 made in A.S.No.30/2003, on the file of the Sub-Court, Sivagangai modified the judgment and decree of the Principal District Munsif Court, Manamadurai in O.S.No.150/1995, dated 19.04.2002.

For Appellant	: No appearance
For Respondents	: No appearance

COMMON JUDGMENT

When the matters were taken up for hearing on 17.10.2024, the learned counsel appearing for the appellant has filed a memo stating that the letter sent to the appellant was returned with an endorsement "deceased" and reported no instruction. Therefore, this Court directed the Registry to print the name fo the appellant in the cause list.

2. Today, when the matters are taken up for hearing, even though the name of the appellant has been printed in the cause list, there is no



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representation on behalf of the appellant and the same clearly indicates that

the appellant has not shown any interest to prosecute the appeals any further.

Hence, the Second Appeals are dismissed for non-prosecution. No costs.

18.10.2024

NCC : Yes/No

Index : Yes/No

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To

1.The Sub-Court,

Sivagangai.

2.The Principal District Munsif Court,

Manamadurai

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)Nos.404 & 405 of 2006

18.10.2024