WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

S.A.(MD).No.449 of 2024
and
C.M.P(MD).Nos.10292 and 10293 of 2024

Shanmugapriya ... Petitioner

Vs

1. Shanmuganathan

2. Muniyasamy

3. Periyasamy

4. Kalingayarayan ... Respondents

PRAYER**:** Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the Decree and Judgment of the case in A.S.No.59 of 2021, dated 30.08.2022, on the file of Principal District Judge, Ramanathapuram by reversing the Decree and Judgement of the case in O.S.No.74 of 2015 dated 24.07.2020 on the file of the Subordinate Judge, Ramanthapuram.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Appellant : No Appearance

For R-1 : Mr.J.M.Hassanul Bazari

*****

JUDGMENT

This second appeal has been filed seeking to set aside the decree and judgment passed in A.S.No.59 of 2021, dated 30.08.2022, by the learned Principal District Judge, Ramanathapuram, by reversing the decree and judgment passed in O.S.No.74 of 2015, dated 24.07.2020, on the file of the learned Subordinate Judge, Ramanathapuram.

2.This second appeal was listed for admission on 06.08.2024. There was no representation for the appellant. Therefore, this case was directed to be listed under the caption for dismissal on 07.08.2024. On 07.08.2024, the learned Counsel for the appellant sought some accommodation to get along with the appeal. Since the appeal is listed under the caption for dismissal, this Court was not inclined to consider the request of the learned Counsel for the appellant. However, this Court

https://www.mhc.tn.gov.in/judis

WEB COPY

has directed the appeal to be posted on 08.08.2024 under the same caption. Even on that day, there was no representation. Therefore, the case is listed today under the same caption.

3.Today, when the matter is came up for hearing, there is no representation in the morning as well as evening session.

4.Since the appellant has not shown any interest in prosecuting the appeal, this second appeal is dismissed for non-prosecution. No costs. Consequently, the connected miscellaneous petitions are closed.

12.08.2024

Index : Yes / No
NCC : Yes / No
LR

https://www.mhc.tn.gov.in/judis

WEB COPY

TO:

1. The Principal District Judge, Ramanathapuram.

2.The Subordinate Judge, Ramanathapuram.

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

https://www.mhc.tn.gov.in/judis

WEB COPY

B.PUGALENDHI, J.

LR

Judgment made in
S.A.(MD)No.449 of 2024

Dated:
12.08.2024

https://www.mhc.tn.gov.in/judis