



S.A(MD)No.463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 463 of 2023

S.Subburam (Died)

1. Indirani

2. Manikandan

3. Somasundaram

4. Sabari Devi

... Appellants

Vs.

1. Veeramuthu

2. Kaleeswari

3. S.Kalidass

4. Subramani

5. Sakthivel

6. Vinothkumar

7. Priya

... Respondents

[Respondents 2 to 7 have not contested the case and they are added as formal parties. Therefore they are given up.]

PRAYER: Second Appeal is filed under Section 100 of Civil Procedure Code, to allow the Second Appeal, by setting aside the judgment and decree dated 21.09.2021 passed in AS No.90 of 2019 on the file of the



S.A(MD)No.463 of 2023

Principal District Judge of Dindigul, partially allowing the Judgment of decree in OS No.30 of 2009 dated 17.09.2019 on the file of the Additional Subordinate Judge, Dindigul.

For Appellants : No Appearance

For R-1 : Mr.P.Thiyagarajan

JUDGEMENT

This Second appeal is filed to set aside Judgment and Decree, dated 21.09.2021 passed in AS No.90 of 2019 on the file of the Principal District Judge of Dindigul, partially allowing the Judgment of Decree in OS No.30 of 2009 dated 17.09.2019 on the file of the Additional Subordinate Judge, Dindigul.

2. For the sake of convenience, the contesting parties shall be referred to as Plaintiffs and Defendants. The Plaintiffs are the Appellants herein and the Defendants are the Respondents herein.

3. The Learned Counsel appearing for the Appellants had submitted '*No instructions*'. In an earlier occasion, when the case was posted on 27.03.2024 the Registry was directed to print the name of the Appellants in the Cause list.



S.A(MD)No.463 of 2023

4. Though the names of the Appellants printed in the cause list, there is no representation on the Appellants either by Counsel or in person. Therefore, this Court is of the considered opinion that the Appellants are not having interest to prosecuting the case.

5. Accordingly, this Second Appeal stands dismissed. However, Liberty is granted to the Appellants to reopen and contest the case, if so advised. No Costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Principal District Court,
Dindigul.
2. The Additional Subordinate Judge,
Dindigul.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

S.SRIMATHY, J.



WEB COPY



S.A(MD)No.463 of 2023

KSA

**Order made in
S.A(MD)No. 463 of 2023**

27.03.2024