

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.(MD) No.229 of 2016

1.Chellaiah

2.Lakshmi

... Appellants/Appellants/
Defendants

Vs.

Adaikkalam

... Respondent/Respondent/
Plaintiff

Prayer: Appeal filed under Section100 of Civil Procedure Code to set aside the judgment and decree dated 23.01.2008 made in A.S.No.143 of 2007 on the file of the Subordinate Court, Pudukkottai, confirming the judgment and decree dated 29.09.2005 made in O.S.No.62 of 2000 on the file of the District Munsif cum Judicial Magistrate Court, Thirumayam.

For Appellants : No appearance

For Respondent : No appearance

JUDGMENT

This appeal has been filed by the appellants/defendants against the concurrent findings recorded by the learned trial Court as well as by the learned lower appellate Court.

2. This matter earlier came up for consideration before this Court on 11.01.2024. As there was no representation for the appellants, the same was directed to be listed finally on 22.01.2024. Even on 22.01.2024, there was no representation for the appellants. Hence, the matter was directed to be listed under the caption 'for dismissal'.

3. Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the appellants. In the circumstances, this Court is left with no other option, except to dismiss the appeal for non-prosecution.

4. Accordingly, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs.

31.01.2024

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

ABR

To

- 1.The Subordinate Judge,
Pudukkottai.
- 2.The District Munsif cum
Judicial Magistrate,
Thirumayam.

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MUMMINENI SUDHEER KUMAR, J.

ABR

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