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S.A.(MD)No.142 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

S.A.No.142 of 2017

M.Palanivel

... Appellant/Respondent/Plaintiff

Vs.

1. R.Vadamalaimuthu (Died)
2. R.V.Murugan
3. Mariammal (died)
4. Rajeswari
5. Dhanam
6. Andavar.

... Respondents/Appellants/Defendants

(Respondents 2 to 6 are the legal heirs of the deceased 1st respondent vide order of this Court dated 29.02.2016 made in M.P(MD) Nos.1 to 3 of 2011 in C.M.P(MD) No.3178 of 2006 in S.A.(MD) SR No.16307 of 2006)

(Respondents 2, 4, 5 and 6 already on record are recorded as the Legal heirs of deceased 3rd respondent made in Memo USR No.217/11.01.17 vide order of this Court dated 31.01.2017 in C.M.P(MD) S.R.No.16307 of 2006)

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 21.11.2003 made in A.S.No.9 of 1996 on the file of the Sub Court, Periyakulam, Modifying decree and judgment and decree dated 06.11.1995 made in O.S.No.1109 of 1987 on the file of the District Munsif Court, Uthamapalayam.



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For Appellant : No appearance

For Respondents : Mr.L.George Raja
for M/s.Ajmal Associates
for R2

: No appearance – for R6

JUDGMENT

When the matter was taken up for hearing on 14.02.2024, the learned counsel for the appellant submitted that he has no instructions from his client. Hence, this Court directed the Registry to print the name of the appellant in the cause list and posted the matter on 21.02.2024. Thereafter, the matter was taken up for hearing on 21.02.2024. On the said date, even after printing the name of the appellant, there was no representation for the appellant. Hence the matter was posted on 28.02.2024 under the caption “for dismissal”. Even today, there is no representation on the side of the appellant.

2. The learned counsel for the second respondent is present before this Court.



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3. In view of the above, this Second Appeal is dismissed for non-prosecution. No Costs.

28.02.2024

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

- 1.The Sub Court,
Periyakulam.
- 2.The District Munsif Court,
Uthamapalayam.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

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