



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

A.S(MD)No.74 of 2002

1. Lakshmanan (Died)
2. Murugan alias Murugiah Pillai
3. L. Premanayagam
4. L.Chidambaram

... Appellant

[Appellants 3 & 4 are brought on record as LR's of the deceased 1st Appellant, vide Court Order, dated 15.11.2002]

Vs.

1. Muthuswamy
2. Singaravelu (Died)
3. Muthu Erulappan
4. S.Pattammal
5. S.Premanayagam @ Siva
6. P.Ramalakshmi

... Respondents

[Respondents 4 to 6 are brought on record as LR's of the deceased 2nd respondent, vide Court Order, dated 02.01.2023]

PRAYER: First Appeal is filed under Section 96 of Civil Procedure Code, to allow the above Appeal by setting aside the Judgment and Decree of the Learned II Additional Subordinate Court, Tirunelveli in O.S.No.25 of 1997 dated 01.10.2001 in so far as the same is against the appellants and to decree the said suit as prayed for.



For Appellants : No appearance

For Respondents : M/s.T.Alaguram Jothi, for R-1
M/s.H.Arumugam, for R-3
M/s.M.Gurudas, for R-4 to R-6

JUDGEMENT

The Learned Counsel appearing for the Appellants 3 & 4 submitted that they are the legal heirs of the deceased 1st appellant and further submitted that the 2nd Appellant/Murugan alias Murugiah Pillai died. A memo, dated 27.06.2024 was filed stating 'No Instructions' The Appellants 3 & 4 had taken steps to implead the legal heirs of the Lakshmanan, however fails to take steps for Murugan alias Murugiah Pillai. Since the rights of the Lakshmanan and Murugan alias Murugiah Pillai would be considered in A.S.No.182 of 2010 this Court is inclined to dismiss this Appeal for Non-prosecution.

2. Accordingly, this Appeal suit is dismissed as Non-prosecution.

However, liberty is granted to the Legalheirs of the Lakshmanan and Murugan alias Murugiah Pillai to prosecute their case in A.S.No.182 of 2010. No Costs.

02.07.2024

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



To

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1. The II Additional Subordinate Court,
Tirunelveli.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Judgment made in
A.S.No.74 of 2002

02.07.2024