



SA.No.1822 of 2000

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.1822 of 2000

1.RM.Subbiah Ambalam

2.K.Ramasamy

3.Ashokan

4.Rakkappan

5.V.Subbiah(died)

6.R.Lakshmanan

7.SP.Karuppyie

8.RM.Savithiri

9.RM.Subbiah

10.RM.Meenakshi

: Appellants

(Appellants 7 to 10 are brought on record as LR's of the deceased 1st appellant vide Court, order dated 12.04.2022 made in CMP(MD).Nos.7472, 7374 and 7375/21 in SA(MD).No.1823/2000)

11.Yasothai

11th appellant is brought on record as LR of the deceased 5th appellant vide Court order, dated 12.04.2022 made in CMP(MD).Nos.7363, 7364 and 7365 /2021 in SA.No.1822 of 2000)

-VS-

1.Kamalantham

2.C.Krishnan

3.C.Rajagopal

4.Kamalam

5.K.Karthikeyan

(respondents 4 and 5 are brought on record as LR's of the deceased 1st respondent vide Court order, dated



SA.No.1822 of 2000

26.02.2002 made in CMP(MD).No.7366 of 2021 in
SA.No.1822 of 2000)

6.K.Veerapandiyan

7.K.Amutha

(respondents 6 and 7 are brought on record as LR's of
the deceased 2nd respondent vide Court order, dated 26.02.2002
made in CMP(MD).No.7371 of 2021 in SA.No.1822 of 2000)

8.R.Devi

9.R.Sundarammal

10.R.Sangeetha

(respondents 8 to 10 are brought on record as LR's of the
deceased 3rd respondent vide Court, order dated 26.04.2022
made in CMP(MD).No.7362 of 2021 in SA.No.1822 of 2000)

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C to set
aside the Judgment and Decree of the Principal District Judge, Sivagangai,
dated 30.07.1999 in A.S.No.17 of 1999 reversing the Judgment and decree,
dated 24.09.1998 of the learned Subordinate Judge, Devakottai in O.S.No.
88 of 1999 and restore the Judgment and Decree in O.S.No.88 of 1997,
dated 27.09.1998.

For Appellants : No appearance

For respondents : No appearance

JUDGEMENT

When this matter came up for consideration on 24.01.2024, this
Court passed the following docket order:



WEB COPY



SA.No.1822 of 2000

“This Second Appeal is already dismissed as against the respondents 4 to 7, 9 and 10 by virtue of order, dated 04.09.2023 passed by this Court. Thus, there are no respondents against whom this appeal can be prosecuted, as the respondents 1 to 3 were already died and the respondents 4 to 10 are the LR's of the deceased respondents 1 to 3.

No representation for the appellants. Post for dismissal on 29.01.2024.”

2. Today, in spite the matter being listed under the caption for dismissal, there is no representation for the appellants either in the pre-lunch or post-lunch session. Further, it is already noted earlier the respondents 1 to 3 died and the legal representatives were brought on record as respondents 4 to 10. The appeal already dismissed as against the respondents 4 to 7, 9 and 10 by order, dated 04.09.2023. The 8th respondent reported to have been died by filing a memo, dated 08.06.2023. In the circumstances, the respondents 4 to 7, 9 and 10 are treated as LR's of the deceased 8th respondent.



SA.No.1822 of 2000

3. As the appeal already dismissed against all the respondents as noted above and also for want of representation on behalf of the appellants, this Court is left with no other option except to dismiss this appeal for non prosecution as well as on the ground that the cause of action in the appeal does not survives against the respondents. Accordingly, the Second Appeal is dismissed. No costs.

29.01.2024

Internet : Yes / No
Index : Yes / No
trp

To

1. The Principal District Judge, Sivagangai,
2. The learned Subordinate Judge, Devakottai



WEB COPY



SA.No.1822 of 2000

MUMMINENI SUDHEER KUMAR. J.

trp

SA.No.1822 of 2000

29.01.2024