



SA.No.1762 of 2001

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.1762 of 2001 and
MP(MD).Nos. 4 to 6 of 2013

1. Muthukrishnan (died)
2. Rajakani
3.P.Sulakshana
4.M.Rajendran
5.H.Vasudevan ... Appellants
(appellants 2 to 5 are brought on record
as Lrs of the deceased sole appellant vide order, dated
06.12.2023 made in MP(MD).Nos.1 to 3 in SA.No.1762 of 2001)

-VS-

1.Chandrakasa Singapriyar
2.Varadarajan
3.Anandan
4.Shanmugam
5.Muniyappan .. Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the decree and Judgment and decree of the Additional Subordinate Judge's Court at Kumbakonam, dated 12.07.2001 in A.S.No.82 of 2000, confirming the Judgment and Decree of the District Munsif Court at



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Valangaiman, dated 19.11.1999 in O.S.No.247 of 1996 inter-alia.

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For Appellants : No appearance
For 5th Respondent : Mr.V.K. Vijayaragavan

JUDGMENT

The learned counsel appearing for the appellants reported that he has handed over the bundles to the parties. However, no appearance was entered on behalf of the appellants. This Court ordered notice on the appellants. Though the notice was served on the 5th appellant no one entered appearance as on date. Further, once the counsel on record gives up his vakalat it is for the counsel to serve notice on his clients / appellants. In this case, the learned counsel appearing for the appellants reported that the bundle was handed over to the parties, it is for the appellants to enter appearance either in person or through some other counsel, which is not done as on date. This matter has coming up for hearing since 2020 and the matter is adjourned from time to time on number of occasions i.e., on 05.01.2024 and 08.01.2024 and today also there is no representation for the appellants. In the circumstances, this



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Court is left with no other option except to dismiss this Second Appeal for non prosecution.

2. Accordingly, this Second Appeal is dismissed for non prosecution. No costs. Consequently, the connected Miscellaneous Petitions are closed.

10.01.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Additional Subordinate Judge's Court at Kumbakonam.
2. The District Munsif Court at Valangaiman,



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MUMMINENI SUDHEER KUMAR. J.

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