



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.04.2024**

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A.NO.1338 OF 2001

1.Parvathy Ammal

2.Sankara Lingam @ Chellappa

3.Lakshmanan

4.Natchiyarammal

5.Chellammal

6.Krishnan

7.Sankarammal

8.Revathy Ammal

9.Ganapathiammal

:Plaintiffs/Appellants/Appellants

.VS.

1.P.Nambi Konar

2.P.Arumugha Konar

3.P.Sudalai Konar

:Defendants 2 to 5/Respondents
1 to 4/Respondents

4.Amma Ponnu(died)

5.Kandasamy(died)

:6th Defendant/5th Respondent/
Respondent

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree made in A.S.No.1 of 1996,



dated 31.1.2001, on the file of Principal Subordinate Judge, Thirunelveli confirming the judgment and decree made in O.S.No. 1054 of 1988, dated 4.12.1995, on the file of Additional District Munsif, Thirunelveli.

For Appellants	:No appearance
For Respondent-1	:Dismissed as abated vide order of this Court, dated 14.06.2023
For Respondents 2 and 3	:Mr.J.Antony Jesus
For Respondents 4 and 5	:Died

JUDGMENT

When the Second Appeal was called in the morning, there was no representation for the appellants and hence, in order to give an opportunity to the appellants, the matter was passed over. The matter is again called in the afternoon. Even in the afternoon, there is no representation for the appellants. The learned counsel for the respondents 2 and 3 is present.

2.It is seen from the records that the Second Appeal is dismissed as abated as against the first respondent. The respondents 4 and 5 are reported dead. The suit is for declaration and permanent injunction with an alternative prayer for recovery of



possession. The suit as well as the First Appeal was dismissed on the ground that the plaintiffs failed to prove their title over the suit property. The said finding became final as against respondents 1,4 and 5. It appears that the appellants are not interested in prosecuting the Second Appeal as against the other respondents.

3.In view of the above, the Second Appeal is dismissed for default. No costs.

23.04.2024

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

vsn

To

1.The Principal Subordinate Judge,
Thirunelveli.

2.The Additional District Munsif,
Thirunelveli.

3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



4

S.SOUNTHAR, J.

vsn

JUDGMENT MADE IN
S.A.NO.1338 OF 2001

23.04.2024