



S.A.No.2149 of 2002

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.2149 of 2002

- 1.P.Durairaj
- 2.V.Pandi @ Irulappan
- 3.Veeraiah
- 4.Alagu Lakshmi
- 5.Muthurakku @ Mookkammal
- 6.Rakkammal

... Appellants/Respondents 3 to 8/
Nil

Vs.

- 1.Ayyanupandi
- 2.Perumal @ Sundaramani
- 3.Chellaiah Konar @ Muthaiah Konar
- 4.Krishnasamy Konar
- 5.Krishnasamy
- 6.Karuppasamy
- 7.Rakkaiah Konar
- 8.Veeraiah Konar



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9.Pandi Konar

... Respondents 1 to 9/
Appellants 1 to 9/
Defendants 1 to 5 & 7 to 10

10.Paramasiva Konar @ Chellaiah

11.Veeraiah Konar

12.Thirumalai

... Respondents 10 to 12/
Appellants 10 & 11 &
2nd Respondent /
Defendants No.11, 12 & 6

Prayer: Appeal filed under Section100 of Civil Procedure Code to set aside the judgment and decree dated dated 24.10.2000 made in A.S.No.25 of 2000 on the file of the Sub-Court, Sankarankovil, partially reversing the judgment and decree dated 17.02.1998 made in O.S.No.335 of 1989 on the file of the Principal District Munsif Court, Sankarankoil.

For Appellants : No appearance

For RR4 & 6 to 12 : Mr.A.R.Nixon

For R5 : No appearance

RR 2 & 3 : Died

Respondent-1 : Dismissed



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JUDGMENT

This matter earlier came up for consideration on 05.01.2024. As there was no representation for the appellants, the same was directed to be listed under the caption 'for dismissal'. When the matter was listed under the caption 'for dismissal' on 10.01.2024, learned counsel for the appellants sought adjournment.

2. Considering the said request and also taking into consideration the fact that the legal representatives of deceased Respondents No.1 to 3 were not brought on record, this Court granted time till today for taking appropriate steps conditionally. It was also made clear in the said order dated 10.01.2024 that in the event of failure on the part of the appellants to bring on record the legal representatives of deceased Respondents No.1 to 3, the appeal shall stand dismissed. In spite of the same and the matter being listed under the caption 'for dismissal', there is no representation for the appellants either during pre-lunch session or in the post-lunch session, nor any steps are taken to bring on record the legal representatives of deceased Respondents



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No.1 to 3. In the circumstances, this Court is left with no other alternative, except to dismiss the appeal for non-prosecution.

3. Accordingly, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs.

30.01.2024

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

ABR



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To

- 1.The Subordinate Judge,
Sankarankovil.
- 2.The Principal District Munsif,
Sankarankoil.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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