

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.536 of 2002

1.K.Ibrahim

2.K.Natharsha

... Appellants/Appellants/
Plaintiffs 3 & 4

Vs.

1.Haneefa

2.Marappa Gounder

3.Pitchai Ammal

4.Rajam

5.Tamilarasi

... Respondents 1 to 5/
Respondents 1 to 5/Plaintiffs 2 to 6

6.Maimuna Bibi

7.Sahul Hameed

8.Babu @ Mustafa

9.Nijamuddin

... Respondents 6 to 9/
Respondents 6 to 9/Not parties

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 03.11.2000 made in A.S.No.187 of 1998 on the file of the I-Additional Subordinate Court, Tiruchirapalli, confirming the judgment and decree dated 26.09.1997 made in O.S.No.916 of 1996 on the file of the First Additional District Munsif Court, Tiruchirapalli.

For Appellants : No appearance

For Respondents : No appearance

JUDGMENT

This appeal is filed by the appellants/plaintiffs 3 and 4 against the concurrent findings recorded by the learned trial Court as well as by the learned lower appellate Court.

2. This matter earlier came up for consideration on 03.01.2024. At request of the learned counsel for the appellants, the matter was directed to be listed on 18.01.2024. When the matter was listed on 23.01.2024, there was no representation for the appellants. Hence, the matter was directed to be listed under the caption 'for dismissal'. On 30.01.2024, when the matter was

listed under the caption 'for dismissal', learned counsel for the appellants reported 'no instructions'. Hence, this Court directed the names of the appellants to be printed in the cause list.

3. Today, when the matter is listed under the caption 'for dismissal', there is no representation for the appellants. Further, Respondents No.6 to 9 are not served with notices as on date. In the circumstances, this Court is left with no other option, except to dismiss the second appeal for non-prosecution.

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

31.01.2024

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

ABR

MUMMINENI SUDHEER KUMAR, J.

ABR

To

- 1.The I-Additional Subordinate Judge,
Tiruchirapalli.
- 2.The First Additional District Munsif,
Tiruchirapalli.

S.A.No.536 of 2002

31.01.2024