



S.A.No.461 of 2002

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.461 of 2002

1.Muppidathi Chettiar (Died)

2.Ganesan

... Appellants 1 & 2/Appellants/
Defendants

3.Arumugam

... 3rd Appellant

*[3rd appellant – brought on record as LR of the deceased
1st appellant vide Court order dated 15.06.2023 made in
M.P.(MD) No.1 of 2013 in S.A.No.461 of 2002]*

Vs.

Sankarammal

... Respondent/Respondent/
Plaintiffs

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 12.12.2001 made in A.S.No.26 of 2001 on the file of the Sub-Court, Sankarankoil, confirming the judgment and decree dated 19.06.2001 made in O.S.No.126 of 1998 on the file of the District Munsif cum Judicial Magistrate Court, Sivagiri.



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For Appellants : Mr.M.P.Senthil

For Respondent : Mr.R.Manimaran

JUDGMENT

The 1st appellant died and hence, the 3rd appellant herein was brought on record as LR of the deceased 1st appellant. Subsequently, the 2nd appellant was reported dead and time was granted for taking appropriate steps. However, no steps have been taken. Hence, the second appeal already abated, insofar as the 2nd appellant is concerned. Further, learned counsel for the appellants filed a memo dated 6th February, 2024, *vide* USR No.4557 stating that the communication sent to the 3rd appellant on 10.08.2023 was returned with postal endorsement 'refused'. Hence, the learned counsel for the appellants reported 'no instructions' by duly filing the said memo. In view of the same, there is none to prosecute the second appeal. Further, the second appeal is already abated as against the 2nd appellant. In view of the same, this Court is left with no other option except to dismiss the second appeal for non-prosecution.



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

07.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1.The Subordinate-Judge,
Sankarankoil.

2.The District Munsif cum Judicial Magistrate,
Sivagiri.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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