



S.A.No.668 of 2002

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.668 of 2002

and

C.M.P.(MD) Nos.20154 and 20155 of 2003

1.P.Palnadar

2.S.Balachandran

3.R.Arumaithangam

... Appellants/Appellants/
Defendants

Vs.

1.Eswari Patharakali Amman Kovil,
By Managing Trustee, Esan Thangu,
Muttam Post, Kanyakumari District.

2.C.Periyanaancha Perumal

3.C.Rangaswamy

4.A.Palaya Nadar

5.E.Srikrishnan

6.V.Suyambulingam

7.S.Sivaraman Nadar

8.P.Harikrishnan

... Respondents/Respondents/
Plaintiffs



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9. The Executive Officer,
Arulmigu Esakki Amman Thirukoil,
Muppandal, Thovalai Tk.,
Kanyakumari District.

... 9th Respondent

***[R9 – impleaded as party respondent in this
appeal vide Court order dated 06.08.2020 made in
M.P.(MD) No.1 of 2012 in S.A.No.668 of 2002]***

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 14.03.2001 made in A.S.No.143 of 1998 on the file of the Subordinate Court, Padmanabapuram, confirming the judgment and decree dated 22.08.1997 made in O.S.No.774 of 1996 on the file of the Additional District Munsif Court, Nagercoil.

For Appellants	:	No appearance
For RR1, 2, 6 & 8	:	Mr.P.Thiagarajan
For R9	:	Mr.K.M.Vijayakumar
RR3 to 5 & 7	:	Died

JUDGMENT

This second appeal has been filed by the appellants/defendants against the concurrent findings recorded by the learned trial Court and the learned lower appellate Court.



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2. When this matter earlier came up for consideration on 23.01.2024, learned counsel for the appellants reported 'no instructions' and filed a Memo dated 18.01.2024. In view of the same, the names of the appellants were ordered to be printed in the cause list. Though the names of the appellants are printed in the cause list, today there is no representation for the appellants. In these circumstances, this Court is left with no other option, 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. Consequently, connected miscellaneous petitions are closed.

30.01.2024

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

ABR



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MUMMINENI SUDHEER KUMAR, J.

ABR

To

- 1.The Subordinate Judge,
Padmanabapuram.
- 2.The Additional District Munsif,
Nagercoil.

S.A.No.668 of 2002

30.01.2024