



SA.No.1081 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1081 of 2003

- 1.Gregory
- 2.Lucas (died)
- 3.Lazer
- 4.Francis
- 5.Gnanaselvam
- 6.Selin Mary
- 7.M.Victorial
- 8.Mary Rathnam
- 9.Emmakulet Mary Stella
- 10.Christudas
- 11.Mary Rek selvin
- 12.Mettilla Mary

(Respondents 7 to 12 are brought on record as
LRs of the deceased 2nd respondent vide order, dated 17.02.2005
made in CMP(MD).No.1263 of 2005)

-VS-

The State of Tamil Nadu,
rep. by the District collector,
Kanyakumari District,
Nagercoil.

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against
the Judgment and Decree of the learned Subordinate Judge,
Padmanabhapuram in A.S.No.97 of 2001, dated 12.12.2002 confirming to



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the Judgment and decree, dated 30.04.2001 in O.S.No.143 of 1995 on the file of the Additional District Munsif, Eraniel.

For Appellants : No appearance
For respondent : Mr. Om Prakash
Government Advocate

JUDGMENT

This Second Appeal is filed against the concurrent findings recorded by the Courts below.

2. This matter earlier came up for hearing on 10.01.2024, on that date this Court passed the following order:

“It is represented by the learned counsel for the appellants that appellants 1 to 5 are no more. However, the legal representatives of appellant No.2 alone were brought on record and the appeal in respect of appellant No. 1 and 3 to 5 is concerned, the same stood abated as on the date.

2. Considering the request made on behalf of the appellants, finally post the Second Appeal on 05.02.2024 for taking appropriate steps to bring on record the legal representatives of the deceased appellants No.1 and 3 to 5. If no steps are taken by that date, the appeal shall stand dismissed as abated in respect of the Appellants No.1 and 3 to 5 automatically without any further reference to this Court.”



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3. In spite of the above order, no steps have been taken to bring on record the LRs of the deceased appellants 1 and 3 to 5. Again the matter came up for consideration on 05.02.2024. On that date, the learned counsel for the appellants reported “no instructions” and hence, this Court directed the Registry to print the name of the appellants 6 to 12 in the cause list and post the matter under the same caption “for dismissal”. In spite of the matter posted today under the caption “for dismissal”, there is no representation for the appellants.

4. Taking into consideration of the fact that this Second Appeal is of the year 2003, this Court is not inclined to adjourn the matter further.

5. In the circumstances, this Court is left with no other option except to dismiss this Second Appeal for non-prosecution. Accordingly, the Second Appeal is dismissed for non-prosecution. No costs.

06.02.2024

Internet : Yes / No
Index : Yes / No
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To

1. The learned Subordinate Judge, Padmanabhapuram.
2. The Additional District Munsif, Eraniel.



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MUMMINENI SUDHEER KUMAR. J.

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