



SA.No.1270 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.1270 of 2003

1.N.Bhavani amma
2.K.Sukumaran

: Appellants

-VS-

1.N.Janaki Pillai
2.Ramachandran Nair
3.Krishnan Nair
4.Raveendran Nair
5.Mohan Nair
6.Hareendran Nair
7.Sujikumar
8.Suma
9.Sushma
10.Radha
11.Symala

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and Decree, dated 02.07.2002 made in A.S.No.139/1996 Sub Judge (Camp), Padmanabhapuram, confirming the Judgment and decree, dated 03.09.1996 made in O.S.No374 of 1992 Additional District Munsif Judge, Padmanabhapuram.



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For Appellants : No appearance

For respondents : No appearance

JUDGMENT

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

2. Though the respondents 8 and 11 are no more, no steps have been taken to bring on record the LRs of the said respondents. Hence, the appeal already abated as against the respondents 8 and 11. Further, notice against the 10th respondent is not served and therefore, in terms of the order, dated 19.08.2011 passed by this Court the Second Appeal stood dismissed as against the 10th respondent. However, no steps have been taken for restoration of the Second Appeal as against the 10th respondent. This matter earlier came up for consideration before this Court on 29.01.2024, but there was no representation for the appellants and hence, the same was directed to be listed under the caption for dismissal. Today, in spite of the matter being listed under the caption for dismissal no representation for the appellants either in pre-lunch or post-lunch session.



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3. 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.

4. 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
trp

To

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



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MUMMINENI SUDHEER KUMAR. J.

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