



S.A.No.168 of 2003

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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- 1.M.Thomas
- 2.M.Michael Nayagam
- 3.Varghese
- 4.Stephen
- 5.Bamabas
- 6.Celement

... Appellants/Appellants/
Plaintiffs 2 to 4 &
LRs of 5th Plaintiff

Vs.

- 1.Palammal
- 2.L.Johnson
- 3.Sobia Helen
- 4.Vergia Helan

... Respondents/Respondents/
LRs of sole Defendant

Prayer: Appeal filed under Section100 of Civil Procedure Code to set aside the judgment and decree dated 30.09.2002 made in A.S.No.55 of 1996 on



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the file of the Subordinate Court, Padmanabhapuram, confirming the judgment and decree dated 23.04.1996 made in O.S.No.32 of 1986 on the file of the Additional District Munsif Court, Padmanabhapuram.

For Appellants : No appearance

For Respondents : No appearance

JUDGMENT

Learned counsel for the appellants filed a memo dated 25th March, 2008 *vide* USR No.1256 reporting “no instructions” and requests this Court to issue notice to the appellants. As the appellants were duly represented by counsel, who now chose to report no instructions, the question of ordering notice to the appellants does not arise. It is for the appellants to make an alternative arrangement for representing the second appeal. Hence, there is none to prosecute this appeal. In the circumstances, this Court is left with no other option except to dismiss the 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.

09.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Subordinate Judge,
Padmanabhapuram.

2.The Additional District Munsif,
Padmanabhapuram.



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MUMMINENI SUDHEER KUMAR, J.

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