



SA.No.1704 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA.No.1704 of 2003

Muppidathi Nadar

: Appellant

-VS-

1.Pandara Nadar

2.Balakrishnan

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree, passed in A.S.No.220 of 2001, dated 28.02.2002 passed by the learned Principal District Judge, Thirunelveli, reversing the Judgment and decree passed in O.S.No.1138 of 1986, dated 28.06.2001 passed by the Additional District Munsif, Thirunelveli.

For Appellant : No appearance

For 2nd respondent : Mr.S. Kumar

JUDGMENT

It was brought to the notice of this Court on 06.01.2022 that the



SA.No.1704 of 2003

respondent No.1 passed away. In spite of the same, no steps have been taken as on date to bring on record LRs of the deceased first respondent.

When this matter came up for consideration on 31.01.2024. As there was no representation for the appellant, the matter was directed to be listed under the caption “for dismissal”. Today, in spite of the matter being listed under the caption “for dismissal” there is no representation for the appellant either in pre-lunch or post-lunch session. As the appeal was already abated as against the 1st respondent, consequent upon the death of the 1st respondent as early as in the year 2014, it is lawful whether the appeal can be maintained against the 2nd respondent alone. Be that as it may there is none to prosecute the matter.

2. In the circumstances, taking into consideration of the fact that the 2nd appeal is of the year 2003, this Court is left with no other option except to dismiss this appeal for non-prosecution. Accordingly, the Second Appeal is dismissed for non-prosecution. No costs.

02.02.2024

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SA.No.1704 of 2003

WEB COPY

To

1. learned Principal District Judge, Thirunelveli,
2. The Additional District Munsif, Thirunelveli.



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SA.No.1704 of 2003

MUMMINENI SUDHEER KUMAR. J.

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SA.No.1704 of 2003

02.02.2024