

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1923 of 2003

1.Sankaralinga Reddiar (Died)

2.Rajalakshmi

3.Avudaiammal

4.Ramasubulakshmi

5.Ramasamy

6.Subbaian ... Appellants 1 to 6/Respondents/
Defendants

7.S.Srinivasan ... 7th Appellant

[The 2nd appellant recorded as well as proposed 7th appellant as legal heirs of the deceased 1st appellant vide order dated 29.08.2013 in M.P.(MD) No.1 of 2011 in S.A.No.1923 of 2003]

Vs.

Veerammal ... Respondent/Appellant/
2nd Plaintiff

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 21.01.2003 made in A.S.No.2 of 2002 on the

file of the Additional District Judge (Fast Track Court), Virudunagar, reversing the judgment and decree dated 23.01.1998 made in O.S.No.262 of 1996 on the file of the District Munsif Court, Virudunagar.

For Appellants : No appearance

For Respondent : Ms.Vijayakumari

JUDGMENT

When this matter earlier came up for consideration on 31.01.2024, this Court passed the following docket order:

“It is reported by the learned counsel for the appellants that appellants 2, 3 and 5 are no more and in spite of his best efforts, the appellants are not coming forward to take appropriate steps to bring on record the legal representatives of the deceased appellants. Hence, reported no instructions. Hence, office is directed to delete the name of the learned counsel for the appellants and print the names of the appellants in the cause list and post the second appeal on 01.02.2024.”

2. In spite of printing the names of the appellants in the cause list, there is none to prosecute the second appeal. In the circumstances, this Court is left with no other option, except to dismiss the second appeal for non-prosecution as well as on the ground that the appeal is abated as against Appellants No.2, 3 and 5.

3. Accordingly, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs.

01.02.2024

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

ABR

To

1.The Additional District Judge
(Fast Track Court),
Virudunagar.

2.The District Munsif,
Virudunagar.

S.A.No.1923 of 2003

MUMMINENI SUDHEER KUMAR, J.

ABR

S.A.No.1923 of 2003

01.02.2024