



SA(MD).No.2062 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

SA(MD).No.2062 of 2003 and
CMP.No.18892 of 2003

Bright

: Appellant

-VS-

1. Vasanthakumar
- 2.P.K.Preethi
- 3.V.K.Pratheep
- 4.V.K.Ashok
- 5.V.Jayalakshmi
- 6.Rajaiah
- 7.Jayaprakash
- 8.Jain
- 9.Sukumaran Nair
- 10.Srinivasa Panicker
- 11.Sekara Panicker
- 12.Arjuna Panicker
- 13.Rasaiyan
- 14.Rajamma
- 15.Esther
- 16.Nagappan Asan
- 17.Gopi
- 18.Lilli
- 19.Cashewnut factory
rep. by its Manager K.C.Soman
- 20.South Indian Thirusabai
Nagercoil, Kanniyakumari District.
- 21.Surendran Nair



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22.Nalini
23.Suseela Devi
24.Kuttappan
25.Sathiyaseelan

: Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree, dated 26.11.2002 made in A.S.No.78 of 1997 on the file of the Subordinate Judge, Kuzhithurai reversing the Judgment and decree of the Additional District Munsif Kuzhithurai, dated 17.03.1997 made in O.S.No.526 of 1977.

For Appellant	:	No appearance
For respondent	:	No appearance

JUDGMENT

This matter earlier came up for consideration on 21.09.2023. On that date the learned counsel for the appellant reported that in spite of addressing the letter to the appellant no instructions received by him. Again the matter was listed on 31.01.2024, but, there was no representation for the appellant. Hence, the matter was directed to be listed today under the caption for dismissal. In spite of the matter listed



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today, under the caption for dismissal there is no representation for the appellant. Further, from the perusal of materials on records it is noticed that the respondents 11, 17, 19 to 24 were not served though the Second Appeal is of the year 2003. Further, the respondents stated that the respondents 9, 12, 13 and 15 are no more. But, no steps have been taken so far to bring on record the Legal representatives of the deceased respondents. As the Second Appeal is of the year 2003 more than two decades old, this Court is not inclined to show any indulgence for adjourning the matter.

2. In the circumstances, 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. Consequently, the connected Miscellaneous Petition is closed.

01.02.2024

Internet : Yes / No
Index : Yes / No
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To

1. The Subordinate Judge, Kuzhithurai.
2. The Additional District Munsif Kuzhithurai,



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MUMMINENI SUDHEER KUMAR. J.

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