



S.A.No.2229 of 2003

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.2229 of 2003

S.P.Sethuraman

... Appellant/Appellant/
1st Defendant

Vs.

1.Rakkammal

2.Prema

3.Meena

4.Santhi

5.Balaji

6.S.P.Mani

... Respondents/Respondents 2 to 7/
Plaintiffs 2 to 6 & 2nd Defendant

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 27.11.2002 made in A.S.No.7 of 2002 on the file of the Sub-Court, Devakottai, confirming the judgment and decree dated 28.08.2001 made in O.S.No.34 of 1996 on the file of the District Munsif Court, Karaikudi.



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For Appellant : No appearance

For Respondents : No appearance

JUDGMENT

This appeal is filed by the 1st defendant aggrieved by the concurrent findings recorded by the learned trial Court as well the learned lower appellate Court.

2. This appeal was already dismissed for default as against Respondents No.3, 5 and 6 as early as on 15.04.2014. However, no steps have been taken as on date for restoration of the appeal against the said respondents.

3. As there was no representation for the appellant on 13.10.2023, the matter was directed to be listed under the caption 'for dismissal'. When the matter was listed on 01.02.2024 also, there was no representation. Hence, the same was once again directed to be listed under the caption 'for dismissal'.



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Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the appellant, either during pre-lunch session or in the post-lunch session. Taking into consideration the fact that this appeal is of the year 2003, this Court is not inclined to adjourn the matter any further. In the circumstances, this Court is left with no other option, except to dismiss the second appeal for non-prosecution.

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

05.02.2024

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

ABR

To

1.The Subordinate Judge,
Devakottai.

2.The District Munsif,
Karaikudi.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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