



SA.No.544 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.544 of 2003

1.Gurusamy Thevar (died)
2.Subbiah
3.G.Sundariammal
4.G.Mariammal
5.G.Petpchiammal : Appellants
(Appellants 3 to 5 are brought on record as LR's
of the deceased 1st appellant vide, order dated 12.01.2009
made in MP(MD).No.1 to 3 of 2006)

-VS-

Ananthammal : Respondents

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and Decree made in A.S.No.14 of 2000, dated 07.08.2001 on the file of the Sub Court, Kovilpatti, confirming the Judgment and Decree in O.S.No.134 of 1998, dated 25.07.200 on the file of the District Munsif Court, Kovilpatti.

For Appellants	:	Mr.Venkatesan M/s. Sivaji
For respondents	:	No appearance



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JUDGMENT

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The learned counsel for the appellants filed a memo, dated 30.11.2021 on 03.01.2022 in SR.No.308 stating that the appellant Nos.2, 3 and 5 are no more and the notice sent to the appellant No.4 was received by her but, she failed to respond for taking appropriate steps to bring on record Legal representatives of the deceased appellants. Thus, it is stated that the appeal is already abated in respect of the appellants 2, 3 and 5, there is no instructions from the 4th appellant. Hence, the learned counsel for the appellants seeks permission of this Court for withdrawing his vakalat.

2. In the circumstances, this Court has already directed the Registry to print the name of the appellant No.4 in the cause list. In spite of the name of the 4th appellant printed in the cause list, there is no representation for the 4th appellant. In view of the same the appeal is already abated against the appellants 2, 3 and 5 and the 4th appellant has not come forward to prosecute the appeal as reported by the learned counsel for the appellants, this Court is left with no other option except to dismiss this Second Appeal for non prosecution. Accordingly, this Second



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Appeal is dismissed for non prosecution. No costs.

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Internet : Yes / No
Index : Yes / No
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To

1. The Sub Court, Kovilpatti,
2. The District Munsif Court, Kovilpatti.



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MUMMINENI SUDHEER KUMAR. J.

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