



S.A.No.949 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.949 of 2003

Sudalai

... Appellant/Appellant/
1st Defendant

Vs.

1.Perumalammal

2.Pechiyammal

3.Subbiah

4.Chelladurai

... Respondents/Respondents 1 to 4/
Plaintiff and Defendants 2 to 4

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 30.07.1998 made in A.S.No.183 of 1994 on the file of the Subordinate Court, Tuticorin, in respect of the first item of the schedule property in the said appeal preferred against the judgment and decree dated 28.06.1994 made in O.S.No.584 of 1987 on the file of the District Munsif Court, Srivaikundam.



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For Appellant : No appearance

For Respondents : No appearance

JUDGMENT

This appeal is filed against the concurrent findings of the Courts below.

2. It was on 02.02.2022, learned counsel for the appellant reported 'no instructions'. Hence, this Court directed the name of the appellant to be printed in the cause list. Again the matter was listed on 29.01.2024. As there was no representation for the appellant, the same 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 during pre-lunch session or in the post-lunch session. Taking into consideration the fact that this second appeal is of the year 2003, this Court is not inclined to adjourn the matter any further. Further, Respondent No.4 reported to have died. However, no steps have been taken to bring on record



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the legal representatives of deceased Respondent No.4. Hence, the appeal already abated as against Respondent No.4. In the circumstances, this Court is left with no other option, except to dismiss the second appeal for non-prosecution.

3. 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,
Tuticorin.

2.The District Munsif,
Srivaikundam.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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