



S.A.No.1544 of 2004

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1544 of 2004

Subramanian

... Appellant/Appellant/
2nd Defendant

Vs.

1.Arulmigu Kothandaramaswamy
Koil Patteeswaram,
Rep., by its Executive Officer,
Kumbakonam Taluk.

... 1st Respondent/1st Respondent/
Plaintiff

2.Annadurai

... 2nd Respondent/2nd Respondent/
1st Defendant

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 26.02.2002 made in A.S.No.83 of 2001 on the file of the Principal Subordinate Court, Kumbakonam, confirming the judgment and decree dated 21.03.2001 made in O.S.No.83 of 1999 on the file of the Principal District Munsif Court, Kumbakonam.

For Appellant : No appearance



S.A.No.1544 of 2004

WEB COPY

For R1 : Mr.V.K.Vijayaragavan

For R2 : No appearance

JUDGMENT

This second appeal is filed against the concurrent findings recorded by the learned trial Court as well as the learned lower appellate Court.

2. When the matter earlier came up for consideration on 08.12.2023, learned counsel for the appellant reported 'no instructions'. Again when the matter was listed on 08.02.2024, learned counsel for the appellant filed a memo reporting 'no instructions'. Under those circumstances, this Court directed the name of the appellant to be printed in the cause list. Accordingly, the name of the appellant is printed in the cause list and the matter is listed under the caption 'for dismissal'.

3. Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the appellant. In the circumstances,



S.A.No.1544 of 2004

WEB COPY
this Court is left with no other option, except to dismiss the appeal for non-prosecution.

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

09.02.2024

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

ABR

To

- 1.The Principal Subordinate Judge,
Kumbakonam.
- 2.The Principal District Munsif,
Kumbakonam.



WEB COPY



S.A.No.1544 of 2004

MUMMINENI SUDHEER KUMAR, J.

ABR

S.A.No.1544 of 2004

09.02.2024