



S.A(MD)No.565 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2024**

CORAM

THE HON'BLE MR.JUSTICE S.SOUNTAR

S.A(MD)No.565 of 2005

Arunachalam

... Plaintiff/Appellant
Appellant

Vs.

1.Kalyana Sundara Battar

2.Sella Battar

3.Saminatha Battar

4.Subbulakshmi

5.Sethu Battar

6.Kannan

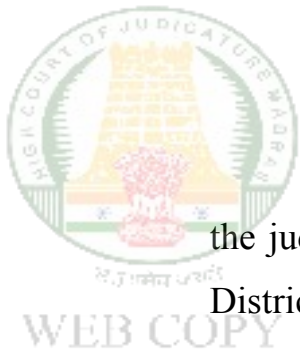
7.Muthusubramanian

8.Chellammal

... Defendants/Respondents
Respondents

*(Respondents 3 to 8 are given up.
Ex parte in O.S and A.S)*

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree passed in A.S.No. 192 of 1998 on the file of the Subordinate Judge, Kovilpatti, confirming



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the judgment and decree passed in O.S.No.85 of 1993 on the file of the District Munsif, Kovilpatti and allow the Second Appeal.

For Appellant : No appearance

For R-1, R-4
R-5 & R-6 : No appearance

R-2 & R-7 : Dismissed vide Court order
dated 15.04.2014

R-3 & R-8 : Given up

JUDGMENT

When the Second Appeal was taken up for hearing on 18.07.2024, there was no representation for the appellant in the first call as well as in the second call. Hence, in order to give an opportunity to the appellant, the Registry was directed to list the Second Appeal under the caption 'For Dismissal'.

2. Today, the Second Appeal is listed under the caption 'For Dismissal'. Even today, there is no representation for the appellant.

3. It is seen from the records, the Second Appeal was already dismissed as against respondents 2 and 7 for failure to file batta. Hence, it appears the appellant is not interested in prosecuting the Second Appeal.



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4. Hence, the Second Appeal stands dismissed for default. There shall be no order as to costs.

23.07.2024

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

To

- 1.The Subordinate Judge,
Kovilpatti.
- 2.The District Munsif,
Kovilpatti.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

BTR

Judgment made in
S.A(MD)No.565 of 2005

Dated:
23.07.2024