



A.S.No.142 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

A.S.No.142 of 2000
and C.M.P.No.7071 of 2000
and C.M.P.No.1314 of 2009

1.Gnanasekaran (Deceased)

2.Shantha Bai

3.Vasanthi

4.Asokan Nizhalan

5.Priya alias Padma Priya

... Appellants

vs.

1.Jayanthi

2.Amirthasekaran

3.Nibunamathi

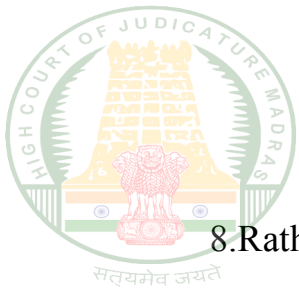
4.A.G.Sekar

5.Vasanthakumar

6.Chakravarthy Nainar

7.Vijayarajan

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8.Rathina

WEB COPY 9.Marudevi @ Baby

10.Jeevagan

11.Kanchana

... Respondents

(R5 declared as major and his guardian (A.G.Sekar) R4 relieved from guardianship and R7 and R8 declared as major and their guardian (Chakravarthy Nainar) R6 relieved from guardianship vide order of Court dated 20.04.2010 made in C.M.P.Nos.1312 and 1313 of 2009)

(RR9 to 11 brought on record as LRs of the deceased 1st appellant vide order of Court dated 10.11.2017 made in C.M.P.No.19188 of 2017 in A.S.No.142 of 2000)

PRAYER: First Appeal is filed under Section 96 of Civil Procedure Code, to set aside the Preliminary Decree dated 26.02.1999 passed in O.S.No.81 of 1992, Sub Court, Kancheepuram.

For Appellants	: Ms.M.Minnic for M/s.T.Mathi
For R2	: M/s.Leela Raman for M/s.T.M.Hariharan
For R1	: No Appearance
For R3	: Died
For R4 to R11	: Not Ready in Notice

J U D G M E N T



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WEB COPY This appeal suit has been filed to set aside the Preliminary Decree dated 26.02.1999 passed in O.S.No.81 of 1992, Sub Court, Kancheepuram.

2. When the matter came up for hearing before this Court on 24.04.2024, the learned counsel appearing for the appellants represented to the Court that the appellants 1 and 3 were no more and inspite of his best efforts, he could not get instructions from the other appellants. After taking note of the said submission, this Court recorded that the appeal got abated as against the appellants 1 and 3. The Registry was also directed to print the name of the remaining appellants along with name of the learned counsel and posted the matter for hearing on 29.04.2024. Thereafter, when the appeal suit was taken up for hearing yesterday (i.e., 02.09.2025), the learned counsel appearing for the appellants sought time to file a memo that he handed over papers to the appellants. After recording the same, the appeal is posted today for filing memo to that effect.

3. Today, when the matter came up for hearing, Ms.Minnic, learned



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counsel representing Mr.T.Mathi, learned counsel on record for the appellants would submit that inspite of best efforts, the learned counsel on record could not contact the appellants and seeks further time to file a memo.

4. Since the papers were already handed over to the appellants by the learned counsel for the appellants, he is not in a position to get along with the matter. Even though, the papers were received by the other surviving appellants from the learned counsel for the appellants, they have not taken any steps to make alternative arrangement to argue the appeal.

5. A perusal of the cause-list would show that the names of the surviving appellants are already printed in the cause-list as per the earlier order passed by this Court and there is no other representation for the appellants. Therefore, it is clear that the appellants are not interested in pursuing the appeal by taking vigilant steps to make alternative arrangements.

6. Hence, the appeal suit is dismissed for default. No costs.



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Consequently, the connected civil miscellaneous petitions are closed.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
dm

To

The Sub Court,
Kancheepuram.



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S.SOUNTHAR, J.

dm

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