



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-10-2025**

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**SA No. 720 of 2008  
& MP No.1 of 2009**

1. A.Krishnasamy Udayar,  
S/o.Arunachala Udayar, Fram Shed,  
Devarayapuram Post, Namakkal Tk and  
District.

2.A.Devaraj Udayar,  
S/o.Arunachala Udayar, Fram Shed,  
Devarayapuram Post, Namakkal Taluk  
and Dist.

Appellant(s)

Vs

1. Veerappa Udayar,  
S/o.Vellamuthu Udayar, Farm Shed,  
Devarayapuram Post, Namakkal Taluk  
And Dist.

2.Arunachala Udayar,  
S/o.Nallamuthu Udayar, Farm Shed,  
Devarayapuram Post, Namakkal Taluk  
And Dist.



3.N.Murugesan @Arumugam  
S/o.Nallamuthu Udayar, Farm Shed,  
Devarayapuram Post, Namakkal Taluk  
and Dist.

Respondent(s)

**PRAYER**

This Second Appeal has been filed as against the judgment and decree passed in A.S.No.268 of 2003 on the file of Additional District Judge(FTC), Namakkal dated 21.08.2007 confirming the judgment and decree dated 13.03.2003 in O.S.No.198 of 2000 on the file of the District Munsif Court, Namakkal.

For Appellant(s): M/s.S.Saravana Kumar for  
Mr.M.Sudhakar

For Respondent(s): Mr.A.Deepak for M/s.Kandhan  
Duraismi for R2 & 3

**ORDER**

When the matter was taken up for consideration before this Court on 07.10.2025, this Court made the following order:

"In spite of granting sufficient time, no steps have been taken to bring on record the Lrs of the deceased second respondent for the past one year.

2.Considering the request of the learned counsel for the appellant, list the matter on 17.10.2025, finally.



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3.If the appellant fails to take steps to bring on record the Lrs of the deceased R2, the second appeal shall stand dismissed automatically as against R2, without further reference to this Court.

2.Today, when the matter is taken up for consideration under the caption "for dismissal" the learned counsel for the appellants has represented that in spite of his best efforts he is not in a position to get any response from the appellants for taking steps to bring on record the Lrs of the deceased R2. He also placed a copy of the letter addressed to the appellants, which was returned with a postal endorsement as "insufficient address". Hence, the learned counsel for the appellants reported that he is not in a position to take appropriate steps to bring on record the Lrs of R2. On the other hand, the learned counsel for R2 and R3 also reported that he has no instructions in the matter.

2.In view of the above, this Court is of the view that the appellants and the respondents are not interested to prosecute the matter. Considering the fact that the second appeal is of the year 2008, this Court is not inclined to keep the



matter pending for taking further steps as the matter is coming up for taking steps consequent upon the demise of R2. Accordingly, the second appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

3.However, it is made clear that in case, the appellants turn up and intends to pursue the matter, it is open to them to seek for restoration for the appeal.

**27-10-2025**

dn

Index: Yes/No

Neutral Citation: Yes/No



SA No. 720 of 2008



To

1. Additional District Judge(FTC), Namakkal
2. District Munsif Court, Namakkal.



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**MUMMINENI SUDHEER KUMAR, J.**  
**dn**

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**27-10-2025**