



S.A.No.805 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.805 of 2008

and

C.M.P.No.1 of 2008

1. Muthusami

2. Kullammal (Died)

3. Chinnaponnu

4. Dhanapakkiam

5. Sinnappan

... Appellant(s)

[Appellants 4 & 5 and Respondents 5 & 6 brought on record as LR's of the deceased 2nd appellant vide order dated 03.02.2020 in CMP Nos.1709 & 1713 of 2020]

Vs.

1. Sivapakkiyam (Died)

2. Maruthamuthu

3. Ramalingam

4. Marimuthu (Died)

5. Ponnusami

6. Thangavel

7. Koothan



S.A.No.805 of 2008

8. Amirtham
9. Samiappan
10. Vellayan
11. Vellayammal

[R7 to R11 brought on record as LR's of the deceased R4 vide court order dated 22.04.2021 made in CMP Nos.2032, 2034 & 2036 of 2020]

12. Sadaiaayan
13. Thangaraji
14. Govindan
15. Valliammal

... Respondent(s)

[R12 to R15 brought on record as LR's of the deceased R1 vide order dated 07.03.2023 made in CMP Nos.1884, 1888 & 1892 of 2020]

Prayer: Appeal filed under Section 100 of C.P.C to set aside the Judgment and Decree dated 31.01.2008 made in A.S.No.88 of 2004 on the file of the Additional District Judge, Fast Track Court, Namakkal in reversing the well-considered Judgment and Decree dated 03.12.2003, made in O.S.No.85 of 1999 on the file of the District Munsif Court, Rasipuram.

For Appellant(s) : No appearance

For R5 to R12, R14 & R15 : Ms.N.Nisha
for Mr.P.Navaneetha Krishnan



S.A.No.805 of 2008

JUDGMENT

WEB COPY

This matter came up for consideration before this court earlier on 12.09.2025. As there was no representation for the appellants, the same was directed to be listed under the caption “For Dismissal”. Accordingly, the matter was listed under the caption “For Dismissal” on 07.10.2025. On that day, this court passed the following order:-

“Inspite of the matter being listed under the caption “For Dismissal”, the learned counsel for the appellant is not ready and sought time for getting instructions.

2. At request, list on 17.10.2025.

3. In the meanwhile, the respondents shall ascertain the stage of the final decree proceedings.”

2. In spite of the same, and the matter being listed under the caption “For Dismissal”, there is no representation for the appellants when the matter was called. Hence, the matter was passed over. Even after calling the matter second time also, there is no representation for the appellants. In the circumstances, this court is left with no other option except to dismiss the second appeal for non-prosecution.



S.A.No.805 of 2008

3. Accordingly, the appeal stands dismissed for non-prosecution. No costs.

Connected miscellaneous petitions, if any, shall stand closed.

27.10.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. Learned Additional District Judge,
Fast Track Court, Namakkal

2. Learned District Munsif Court,
Rasipuram.



WEB COPY



S.A.No.805 of 2008

MUMMINENI SUDHEER KUMAR, J.

skr

S.A.No.805 of 2008

27.10.2025