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S.A.No.1059 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

S.A.No.1059 of 2010

1. Mohammed Yacoob

2. Razia Banu

... Appellants

Vs.

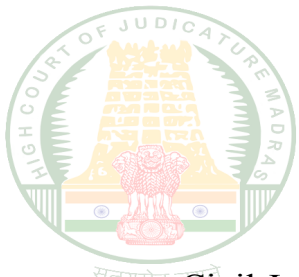
1.J.Rani @ Idhayarani

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Office at Thalamuthu Natarajan Maaligai,
Egmore, Chennai – 8.

3. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai – 600 003.

... Respondents

Prayer: Second Appeal is filed under Section 100 of the Civil Procedure Code to allow this appeal and set aside the judgement and decree dated 07.11.2007 passed by the 3rd Additional City Civil Judge in A.S.No.473 of 2007 reversing the judgement and decree passed by the XVIII Assistant City



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Civil Judge in O.S.No.5835 of 2002 and dismiss the suit with costs.

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For Appellants : M/s. Pathy and Pathy

For Respondents : Mr. P.Gopalan (for R1)

Ms. P.Veena Suresh (for R2)

Mr. Mohammed Gouse (for R3)

JUDGEMENT

When the matter was listed on 06.01.2025, there was no representation on behalf of the appellants. Therefore, the matter was ordered to be listed on 07.01.2025 under the caption “for dismissal”.

2. The learned counsel appearing for the appellants states that, despite several communications to the appellants, there are no instructions from the appellants, and he has filed a memo dated 07.01.2025 to that effect, which is placed on record. There does not appear to be any useful purpose being served in keeping the Second Appeal pending indefinitely.



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3. In view of the same, the Second Appeal is dismissed for non-prosecution. It is made clear that the appellants are not precluded from applying for revival of the Second Appeal, in accordance with law. No costs.

07.01.2025

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

2. The Member Secretary,
Chennai Metropolitan Development Authority,
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Egmore, Chennai – 8.

3. The Commissioner,
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C.KUMARAPPAN, J.

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