



S.A.No.246

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.10.2025**

CORAM

THE HONOURABLE Mr.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.246 of 2010

1. Ranga Mooper
2. Rajamanickam,
3. Ponnusamy

... Appellants

Vs.

1. Murugesan
2. Kandan

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the Subordinate Judge's Court at Kallakurichi in A.S.No.24 of 2007, dated 23.12.2009, concurring with the judgment and decree passed by the Court of the 2nd Additional District Munsif at Kallakurichi in O.S.No.399 of 2005 dated 24.01.2007.

For Appellant : Mr.V.Anand

For Respondents : No appearance

JUDGMENT



S.A.No.246

This second appeal has been filed aggrieved by the judgment and decree passed in A.S.No.24 of 2007 on the file of the Subordinate Court at Kallakurichi confirming the judgment and decree passed in O.S.No.399 of 2005 on the file of the 2nd Additional District Munsif at Kallakurichi by the defendants in the suit.

2. The suit in O.S.No.399 of 2005 was filed by the respondents/plaintiffs seeking a permanent injunction against the appellants herein.

3. The learned counsel for the appellants filed a Memo dated 03.06.2023 stating that the appellants 1 and 2 are no more and in spite of his best efforts, he is not in a position to secure the details of their legal representatives. Therefore, he expressed his inability to file an appropriate application to bring on record the legal representatives of appellants 1 and 2.



S.A.No.246

4. In view of the same, the second appeal stood abated insofar as appellants 1 and 2 are concerned. Insofar as the 3rd appellant is concerned, the learned counsel for the appellants submitted that the registered letter addressed to him was returned by the postal authorities with an endorsement “No such Addressee”. He also expressed his inability to get instructions and requested this Court to pass appropriate orders.

5. In the light of the above, considering the fact that the decree that was passed by the Courts below is for permanent injunction and since appellants 1 and 2 are no more and the whereabouts of the 3rd appellant are not known, taking into consideration the inability expressed by the learned counsel for the appellants, this Court is left with no option but to dismiss the Second Appeal. Accordingly, this Second Appeal is dismissed for Non Prosecution. No costs.

31.10.2025

Index : Yes/No
Speaking Order : Yes / No
srn



S.A.No.246

To

WEB COPY

1. The Subordinate Court
Kallakurichi
2. The 2nd Additional District Munsif
Kallakurichi
3. The Section Officer,
VR Section, Madras High Court,
Chennai.



WEB COPY



S.A.No.246 of 2010

MUMMINENI SUDHEER KUMAR, J,

srn

S.A.No.246 of 2010

31.10.2025