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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

S.A(MD).No. 298 of 2019
and
C.M.P(MD).No.10884 of 2019

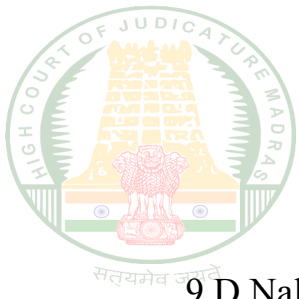
1.B.A.Muruganantham
2.V.Maragathavel
3.N.Raman
4.S.Jeyasingh
5.S.Manickam
6.K.S.Sivakumar

... Appellants

Vs.

1. The Victoria Edward Hall
Through its Secretary,
32-B, West Veli Street,
Madurai.

2.I.Ismail
3.P.Sudalai
4.N.R.V.Jawaharlal
5.N.Singaraj
6.R.Balachandran
7.M.Ibrahim Basha
M.Karuppaiah (died)
8.K.Mahalingam



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- 9.D.Nallathambi
- 10.G.Palanivel Rajan
- A.Rathinam (died)
- 11.R.Sannasi
- 12.A.Stephen
- 13.S.Venkatesh Mohan
- 14.V.Murugan
- 15.Sarvodaya Illakkiya Pannai
- 16.S.Manickam
- 17.British Bakery
- 18.Madurai United Club
Through its Secretary
- 19.M/s.Hotel Sangeeth
Through its Proprietor
- 20.M/s.B.Balasubramanian and B.SAnkar
- 21.M/s.Sri Prema Vilas Sweet Stall
Through its Proprietor
- 22.M/s.Kumar Electronics
Through its Proprietor
- 23.M/s.STar Mobules
Through its Proprietor
- 24.M/s.T.V.Traders
Through its Proprietor
- 25.S.Sikkanthar
- 26.M/s.K.Saravanan
- 27.R.Lingammal



28.M.Sahayaraj & Jesu

29.Aynul Hakkin

30.Prem Nazir

31.A.P.Deepan,

32.M.Rajalakshmi

33.M/s.Raja Electronics
Through its Proprietor

34.M/s.King Mobiles
Through its Proprietor

35.K.Manjula Sundar

36.D.Angayarkanni
Through its Proprietor

37.M/s.D.Nursery Garden
Through its Proprietor

38.R.Ramesh

39.R.Ramkumar,

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside judgment and decree dated 12.02.2019 made in A.S.No.54 of 2017 on the file of the VI Additional District Judge, Madurai, confirming the judgment and decree dated 22.08.2017 made in O.S.No.932 of 2014 on the file of the III Additional Subordinate Judge, Madurai.

For Appellants : No representation (for A2, A4 and A6)
A3 & A5- sent
A1 -Tapal returned



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For Respondents : Mr.M.Rajaram (for R1 to R13)
Mr.M.Bismillakhan (for R14)
R15 to R17, R19 to R24, R27 to R39
ex-parte vide in EB
R25-dispensed with vide in EB
R26-TApal returned 'unclaimed'
R18 -No appearance

JUDGMENT

When this second appeal was listed for hearing on 16.06.2025, the following order was passed:

“Since the appellants' counsel on record died, this Court, by an order, dated 06.11.2024, directed the Registry to issue notice to the appellants for hearing on 28.11.2024. Pursuant to the said order, Mr.Muthukumaran, learned counsel, submitted that he would file vakalat, as the vakalat already filed by him for appellants 2,4 and 6 was returned. He has entered appearance for appellants 2,4 and 6 on 11.12.2024. Notices sent to appellants 3 and 5 have been served and their names are printed in the cause list. However, notice sent to first appellant alone has been returned as "no such addressee".

The Second Appeal, thereafter, was listed on 28.01.2025. Since there was no representation for the



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appellants, the case was directed to be listed on 31.01.2025. However, the appeal is listed today, for hearing. Even today, there is no representation on the side of the appellants.

Post the matter for dismissal on 19.06.2025.”

2. Even today i.e., 19.06.2025, when the second appeal is listed under the caption 'for dismissal', there is no representation on behalf of the appellants. It is evident that the appellants are not interested in prosecuting the appeal.

3. In view of the above, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2025

NCC : Yes / No

Index : Yes / No

Rmk



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To

1.VI Additional District Judge, Madurai.

2.III Additional Subordinate Judge, Madurai.

3.VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ARUL MURUGAN, J.

Rmk

S.A(MD).No. 298 of 2019

19.06.2025