

S.A.(MD)No.478 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

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CORAM

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

S.A.(MD)No.478 of 2019

and

C.M.P.(MD)Nos.13032, 13033 & 13034 of 2025

PR.Muralidharan
S/o.Periannan,
Vellangudi Village,
Sakkottai Union,
Karaikudi Taluk,
Sivagangai District
New Address at Old Door No.30a,
New Door No.35, Nanchammal Street,
K.K.Pudur, Coimbatore. ... Appellant/1st Respondent/Plaintiff

Vs.

1. Sivagami
W/o.Pr.Meyappan Ambalam,
D.No.4-1, Vairavan Ambalam Street,
Near Iynthuvilaku,
Karaikudi Town and Taluk,
Sivagangai District.
... 1st respondent / Appellant / 1st Respondent

R.M. Subbiah (Died)

2.SP.Palaniappan
S/o.Subbiah,
D.No.3, Lakshmi Station,
Devappuram, Ganapathi Post,
Coimbatore Town, Coimbatore District



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3. Chitra Devi

W/o.Muralidharan, Old Door No.30a,
New Door No.35, Nanchammal Street,
K.K.Pudur, Coimbatore.

4. Ponnalahi

W/o.Ramachandran, Kanadukathan Village,
Karaikudi Tk, Sivagangai District

5. Pr.Soornavalli

W/o.Periannan, Old Door No.30a,
New Door No. 35, Nanchammal Street,
K.K.Pudur, Coimbatore.

6. Pr.Latha @ Premalatha

W/o.Ramachandran, D.No.83, Nsr Road, Saibaba
Colony, Coimbatore Town, Coimbatore District.

... Respondents 2 to 7/ Respondents 2 to 7/
Respondents

PRAYER in S.A : Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree dated 11.02.2019 in A.S.No.6 of 2017 on the file of Subordinate Judge, Devakottai, reversing the Judgment and Decree dated 06.01.2015 in O.S.No.17 of 2009 on the file of the District Munsif Karaikudi and allow the Appeal as prayed for and thus render justice.

Prayer in CMP (MD)No.13032 of 2025:

To pass an order condoning the delay of 187 days in filing the application to set aside the abatement of the Second Appeal in SA(MD). No.478 of 2019 caused due to the death of the first respondent Sivakami and thus render justice.



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Prayer in CMP (MD)No.13033 of 2025:

To pass an order setting aside the abatement of the Second Appeal in SA(MD). No.478 of 2019 caused due to the death of the first respondent Sivakami and thus render justice.

Prayer in CMP (MD)No.13034 of 2025:

To pass an order bringing on record the petitioners/proposed parties as legal representatives of the deceased first respondent Sivakami and array them as respondents 7 to 11 in the Second Appeal in SA(MD). No.478 of 2019 and thus render justice.

APPEARANCE OF PARTIES:

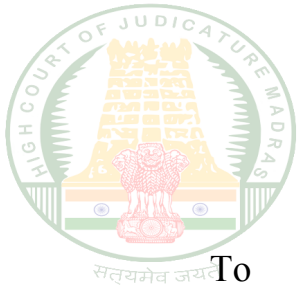
For Appellant : No appearance

JUDGMENT

When the matter was taken up for hearing on 22.08.2025, there is no representation for the appellant and therefore, the matter was listed on 28.08.2025 under the caption “for dismissal”. Even today (ie. 28.08.2025), there is no representation for the appellant. Hence, the Second Appeal is dismissed for non prosecution. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Internet : Yes / No
LS

28.08.2025



S.A.(MD)No.478 of 2019

To

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- 1.The Subordinate Judge,
Devakottai.
- 2.The District Munsif
Karaikudi.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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DR.A.D. MARIA CLETE,J.

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