



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

AS No. 356 of 2002

1. Subbai
2. Ramasamy
3. Thangaraj

..Appellant(s)

Vs

1. Nachammal
2. Perumal Poosari
3. Veerasamy
4. Maniammal

..Respondent(s)

For Appellant(s):

A1 – Served
AA2 & 3 – Not ready in notice
(No appearance)

For Respondent(s):

Mr.A.S.Vijayaragavan
for RR1 To R3
R4 – Not ready in notice

PRAYER:- Appeal suit filed under Order XLI Rule 1 and Section 96 of CPC to set aside the judgment and decree of the Court of the Additional District Munsif in REA.214 of 1997 in REP.217 of 1993 in O.S.No.840 of 1989 dated 25.09.1998 and allow the said application with cost.



JUDGMENT

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The present Appeal suit has been filed challenging the judgment and decree of the Court of the Additional District Munsif in REA.214 of 1997 in REP.217 of 1993 in O.S.No.840 of 1989 dated 25.09.1998.

2. Heard Mr.A.S.Vijayaragavan, learned counsel appearing on behalf of the respondents 1 to 3.

3. Noting that the learned counsel for the appellants was no more, this Court had directed issuance of notice to the appellants and it is reported that the first appellant had been served and appellants 2 & 3 was returned for want of correct address.

4. Today, when the matter was taken up for hearing, in spite of notice being served on the first appellant and his name being printed in the cause list, he is not present before this Court. It has been brought on record that the first and second respondents have also died and no steps have been taken to implead the legal heirs of the deceased respondents.



5. The Appeal suit arises out of an order rejecting the Claim Petition filed under Section 47 of CPC. As the conduct of the appellants shows that they are not diligent in prosecuting the Appeal, the same stands closed. However, there shall be no order as to costs.

06-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GBA

To

1. The Additional District Munsif,
Namakkal.

2. The Section Officer,
VR Section,
High Court, Madras.



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K.KUMARESH BABU, J.

GBA

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