



WEB COPY

S.A.Nos. 2037 of 2000, 27 of 2001,
812 of 2003, 8 of 2003 and 93 of 2003



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

**S.A.Nos. 2037 of 2000, 427 of 2001,
812 of 2003, 8 of 2003 and 93 of 2003**

S.A.No.2037 of 2000:

1.Arokiamariyammal,
W/o.Late Bastin,
Door No. 4/10/17, Baggiathammal Lane,
Mettakarai Veethi,
Mettupalayam Town,
Mettupalayam Taluk.

2.Ariyabava,
S/o.Thiru.Gani,
Mariamman Kovil Veethi,
Salem Town.

...Appellants/Appellants/Plaintiffs
in all appeals

Vs

Kaliyappan,
4/10/25, Baggiathammal Lane,
Mettupalayam Town,
Mettupalayam Taluk.

...Respondent/Respondent/Defendant
in S.A.No.2037 of 2000

1.Santhi,
D/o.Thiru Gopal Nair

2.Suseela,
D/o.Thiru Gopal Nair



3.Thiru.Kannan @ Rajendran,
S/o.Gopal Nair,

All are residing at 4/10/22, Baggiathammal Lane,
Mettupalayam Town,
Mettupalayam Taluk.

...Respondents/Respondents/Defendants
in S.A.No.427 of 2001

1.Tmt.Kulhanthaiammal,
W/o.Thiru. Subramaniam

2.Thiru. Subramanian
S/o.Thiru.Palaniappan

both are residing at Door No.4/10/28,Baggiathammal Lane,
Mettupalayam Town,
Mettupalayam Taluk.

...Respondents/Respondents/Defendants
in S.A.No.812 of 2003

Thiru Ibrahim,
4/10/14, Baggiathammal Lane,
Mettupalayam Town,
Mettupalayam Taluk.

...Respondents/Respondents/Defendants
in S.A.No.8 of 2003

Thiru Ramakrishnan,
S/o.Kandasamy,
4/10/21, Baggiathammal Lane,
Mettupalayam Town,
Mettupalayam Taluk.

...Respondent/Respondent/Defendant
in S.A.No.93 of 2003

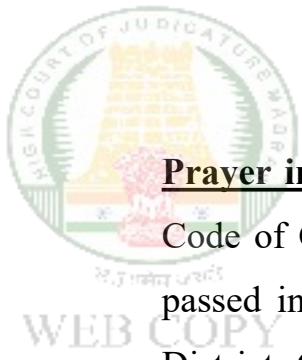


Prayer in S.A.No.2037 of 2000: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.79 of 1999 dated August 18, 1999 on the file of Principal District Court, Coimbatore District, confirming the Judgment and Decree passed in O.S.No.480 of 1995 dated October 30, 1998 on the file of District Munsif, Mettupalayam District.

Prayer in S.A.No.427 of 2001: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.47 of 1999 dated August 18, 1999 on the file of Principal District Court, Coimbatore District, confirming the Judgment and Decree passed in O.S.No.475 of 1995 dated October 30, 1998 on the file of District Munsif, Mettupalayam District.

Prayer in S.A.No.812 of 2003: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.48 of 1999 dated August 18, 1999 on the file of Principal District Court, Coimbatore District, confirming the Judgment and Decree passed in O.S.No.477 of 1995 dated October 30, 1998 on the file of District Munsif, Mettupalayam District.

Prayer in S.A.No.8 of 2003: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.77 of 1999 dated August 18, 1999 on the file of Principal District Court, Coimbatore District, confirming the Judgment and Decree passed in O.S.No.476 of 1995 dated October 30, 1998 on the file of District Munsif, Mettupalayam District.



Prayer in S.A.No.93 of 2003: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree passed in A.S.No.67 of 1999 dated August 18, 1999 on the file of Principal District Court, Coimbatore District, confirming the Judgment and Decree passed in O.S.No.478 of 1995 dated October 30, 1998 on the file of District Munsif, Mettupalayam District.

For Appellant(s) : No appearance
in all appeals

For Respondent(s): Sole Respondent – died
Dismissed vide Court order dated 16.02.2024
in S.A.No.2037 of 2000

R2 – Served – No appearance
R1 and R3 – Dismissed vide Court order dated
16.02.2024 in S.A.No.427 of 2001

R1 and R2 – Served – No appearance
in S.A.No.812 of 2003

Served – No appearance
in S.A.No.8 of 2003

Sole Respondent – died
Dismissed vide Court order dated 16.02.2024
in S.A.No.93 of 2000

COMMON JUDGMENT

Daily Order dated February 16, 2024 reads thus:

“The case is posted under the caption “default cases” for not complying with the defects.

2.In the interest of justice three weeks time is granted to the appellant(s) to rectify the defects.



WEB COPY

3.The learned counsel for the appellant(s) is directed to rectify the defects within the time stipulated above, failing which, this Second Appeal will automatically stand cancelled.”

2.Registry’s note dated May 13, 2025 reads thus:

“Steps not taken till 15.03.2024 regarding sole respondent in S.A.No.93 of 2003.

S.S. Petition and Affidavit not filed till 15.03.2024 regarding R1 and R3 in S.A.No.427 of 2001.

Steps not taken till 15.03.2024 regarding sole respondent in S.A.No.2037 of 2000.”

3.Daily Order dated March 4, 2026 reads thus:

“Mr.P.Sathish, representing Mr.B.Harikrishnan, Counsel on record for the Appellant in all the appeal suits is before this Court.

2.No representation for the respondents.

3.With a view to adhere the principles of natural justice fully and in the interest of justice, this Second Appeal is adjourned to 25.03.2026. It is made clear that no further adjournment will be granted on that day.”



WEB COPY

4.Daily Order dated March 25, 2026 reads thus:

“No representation on either side.

2.List these cases on 06.04.2026 under the cause list caption

“for dismissal”.

5.Despite sufficient opportunities have been given, the Appellants have chosen not to proceed with the Appeals. Today also, no representation for the Appellants. Hence, there is no other option, except to dismiss these Second Appeals. Accordingly, these Second Appeals are dismissed for non prosecution. Considering the facts and circumstances of the case, there shall be no order as to costs.

06-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MPS

To

1.The Principal District Court,
Coimbatore District,

2.The District Munsif,
Mettupalayam District.

3.The Section Officer,
V.R. Section,
Madras High Court.



WEB COPY

S.A.Nos. 2037 of 2000, 27 of 2001,
812 of 2003, 8 of 2003 and 93 of 2003



R.SAKTHIVEL J.

MPS

**S.A.Nos. 2037 of 2000, 427 of 2001,
812 of 2003, 8 of 2003 and 93 of 2003**

06-04-2026