



S.A.Nos.1822 & 1823 of 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02/03/2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

S.A.Nos.1822 & 1823 of 2001

Natarajan,
S/o.Kandasami Gounder,
132-C2, Manickapuram Road,
Palladam,
Coimbatore District.

... Appellant/1st Respondent /
Plaintiff
in both Second Appeals

Vs.

1.S.R.Marappa Gounder,
S/o.Rasu Gounder,
Thandakkaran Thottam,
Manickapuram Road,
Palladam.

... 1st Respondent/Appellant/
1st Defendant
in both Second Appeals

2.M.Palanisami,
S/o.Muthusami Gounder,
Poosari Thottam,
Karuvampalayam,
Tiruppur,
Coimbatore District.

... 2nd Respondent/2nd Respondent/
2nd Defendant
in both Second Appeals



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PRAYER in S.A.No.1822 of 2001: Second Appeal filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated October 30, 2000 made in A.S.No.2 of 1998 on the file of the Learned Subordinate Judge, Tiruppur reversing the Judgment and Decree dated November 28, 1997 passed in O.S.No.77 of 1997 on the file of the Learned District Munsif, Palladam.

PRAYER in S.A.No.1823 of 2001: Second Appeal filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated October 30, 2000 made in A.S.No.3 of 1998 on the file of the Learned Subordinate Judge, Tiruppur reversing the Judgment and Decree dated November 28, 1997 passed in O.S.No.77 of 1997 on the file of the Learned District Munsif, Palladam.

For Appellant in both Appeals	:	Mr.Radha Krishnan for M/s.Kingston Jerold
For Respondent-1	:	Died, dismissed as abated
For Respondent-2 in both Appeals	:	Ms.M.Atchaya for M/s.Sarvabhauman Associates

COMMON JUDGMENT

There is no representation on either side.

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2.Daily Order dated January 02, 2020 reads thus:

“On a perusal of the records, it shows that the first respondent died long back. Though this Court had given several opportunities to take steps to implead the L.Rs of the first respondent in both the second appeals, the appellant has failed to take any steps till date. Therefore, both the second appeals are dismissed as abated as against the first respondent.

2.Post the matter for arguments on the side of the second respondent on 22.01.2020.”

3.Daily Order dated January 22, 2020 reads thus:

“Post the matter on 3.2.2020 under the caption “for dismissal””

4.Daily Order dated February 05, 2020 reads thus:

“Post the matter on 14.02.2020 under the same caption.”

5. Daily Order dated January 05, 2022 reads thus:

“Learned counsel for the appellant and Learned Counsel for the respondent present.

Learned Counsel for the appellant seeks short accommodation stating personal inconvenience.

Post on 20.01.2022 for final hearing.”

6.Daily Order dated January 20, 2022 reads thus:

“Learned counsel for the respondent is present.

At request of the learned counsel for the



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appellant, post the matter in the second week of February 2022 “for final hearing”.

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7.Daily Order dated January 12, 2024 reads thus:

“This cases are posted under the caption “default cases” for not complying with the defects.

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

3.Learned counsel for the appellant(s) is directed to rectify the defects within the time stipulated above, failing which, the Second appeals will automatically stands cancelled.”

8.Daily Order dated June 26, 2025 reads thus:

“At request of learned counsel for appellant, post the matter on 03.07.2025.

9.As it could be seen from the above, despite sufficient opportunities given, the Appellant did not choose to appear and argue the Second Appeals. Under such circumstances, this Court has no other option except to dismiss the Second Appeals for default. Accordingly, the Second Appeals are dismissed for default. Considering the facts and circumstances of the case, there shall be no order as to costs.

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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To
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- 1.The Subordinate Judge, Tiruppur.
- 2.The District Munsif, Palladam.



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R. SAKTHIVEL, J.

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