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S.A.NO.333 OF 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25/03/2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

S.A.NO.333 OF 2001
AND C.M.P.NO.16410 OF 2022

Gunasekaran,
S/o.Namasivayam Pillai,
No.582, Public Road,
Nagapattinam.

... Appellant/Respondent /
Plaintiff

Vs.

1.S.N.L.Jayabalan

2.S.N.L.Vetriselvan (Deceased)

3.S.N.L.Manoharan,
S/o.S.N.Lakshmana Nadar,
all are residing at
Nadar Street,
Nagapattinam.

... Respondents 1 to 3/Appellants/
Defendants

4.V.Vijayalakshmi
W/o.S.N.L.Vetriselvan

5.V.Ravichandran
S/o.S.N.L.Vetriselvan

6.V.Rama Thilagam,
D/o.S.N.L.Vetriselvan

7.V.Mangayarkarasi

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D/o.S.N.L.Vetriselvan,
R4 to R7 are residing at
No.10, Kaliamman Koil Street,
Velipalayam,
Nagapattinam.

... Respondents 4 to 7/Legal
Representatives of the deceased 2nd
Respondent

R4 to R7 brought on record as Legal
Representatives of the deceased 2nd
Respondent vide Order of Court dated
August 09, 2018 made in
C.M.P.No.12472 to 12474 of 2018 in
S.A.No.333 of 2001.

8.G.Veeramani
H/o.Kasthuri Thilagam

9.Minor Vijaya Meenakshi
D/o.Kasthuri Thilagam
Represented by Father G.Veeramani

...Respondents 8 & 9/
Legal Representatives of the
deceased Kasthuri Thilagam
D/o.Late S.N.L.Vetriselvan
(R2)

Respondents 8 and 9 residing at
No.10, Kaliamman Koil Street,
Velipalayam, Nagapattinam.

Respondents 8 and 9 brought on
record as Legal Representatives of the
deceased Kasthuri Thilagam D/o.Late
S.N.L.Vetriselvan (R2) vide Order of
Court dated October 31, 2019 made in
C.M.P.Nos.17542, 17545 and 17546
of 2019 in S.A.No.333 of 2001

PRAYER: Second Appeal filed under Section 100 of Code of Civil

Procedure, 1908, praying to set aside the Judgment and Decree dated

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December 04, 1996 made in A.S.No.74 of 1996 on the file of the Principal District Court, Nagapattinam reversing the Judgment and Decree dated February 12, 1996 passed in O.S.No.148 of 1993 on the file of the District Munsif Court, Nagapattinam.

For Appellant : No appearance
For Respondents-1 , 3 to 9 : Ms.M.H.Anishia
for Mr.P.Raja

JUDGMENT

No representation for the Appellant.

2.Ms.M.H.Anishia representing Mr.P.Raja, Counsel on record for the Respondents 1, 3 to 9 is before this Court.

3.Daily Order dated March 04, 2026 reads thus:

“Ms.M.Sarika Mohan, representing Mr.L.G.Sahadevan, learned Counsel on record for the Appellant and M/s.Elizabetga Ravi, learned counsel for the respondent Nos.1 & 3, 4 to 9 are before this Court.

2. Mr.L.G.Sahadevan, learned counsel has handed over the case file to the appellant and also given change of vakalath. To that effect, the learned counsel filed a memo and the same is hereby recorded.

3. In view of the memo, Registry is directed to print the appellant's name in the cause list.

4. List the matter on 25.03.2026.”

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4.Pursuant to the Order dated March 04, 2026, the name of the Appellant has been printed in the cause list. Despite name printed in the cause list, the Appellant did not choose to appear and argue the Second Appeal. Under such circumstances, this Court has no other option except to dismiss the Second Appeal for non-prosecution. Accordingly, the Second Appeal is dismissed for non-prosecution. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

25/03/2026

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To
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- 1.The Principal District Court, Nagapattinam.
- 2.The District Munsif Court, Nagapattinam.



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R. SAKTHIVEL, J.

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