



S.A.NO.1483 OF 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27/03/2026

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

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Mrs.Angeline Mary,
W/o.Mr.Royappan,
No.22-24, Kumarappapuram 5th Street,
Royapuram Extension,
Tiruppur – 641 601.

...Appellant/Respondent/
Defendant

Vs

1.C.Chinnasami
S/o.Chenniappa Mudaliar,
Muthu Nagar, Tiruppur.

2.C.Shanmugam,
S/o.Chenniappa Mudaliar,
College Road, Tiruppur.

3.Tmt.Valliammal,
W/o.Kupannan,
Kuppanda Gounder Street,
Puthupalayam,
Gobichettipalayam.

4.Tmt.Muthulakshmi,
W/o.Kandasamy,
25A, Kumarappapuram III Street,
Tiruppur.

5.Tmt.Sulochana,
W/o.Shanmugam,



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Alaganna Gounder Street,
Saibaba Colony, Coimbatore.

...Respondents/Appellants/
Plaintiffs

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PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated March 11, 2002 passed in A.S.No.10 of 2001 on the file of the Learned Additional District Judge, Fast Track Court No.IV, Coimbatore at Tirupur setting aside the Judgment and Decree dated August 12, 1998 made in O.S.No.608 of 1994 on the file of the Learned District Munsif at Tirupur.

For Appellant : Mr.T.S.Ramarathnam -
No appearance

For Respondents- 3 & 4 : Ms.A.Tamizhi
for Mr.P.Rajavel

For Respondents-1, 2 & 5 : Dismissed

JUDGMENT

No representation for the Appellant.

2.Daily Order dated March 26, 2026 reads thus:

“The daily order dated March 13, 2026 which reads thus:

Ms.A.Tamizhi, representing Mr.P.Rajavel, Counsel on record for the Respondents 3 and 4 is before this Court.

2.No representation for the Appellant.

3.This Court has perused the file.

4.Daily Order dated February 14, 2023 reads



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thus:

“The appellant is granted time till 28.02.2023 to take steps to serve the respondents 1, 2 and 5, failing which the Second Appeal will automatically stand dismissed as against the said respondents.”

*5.Daily Order dated March 28, 2024 reads thus:
“There is no representation on the side of the appellants. The learned counsel for the respondent is present. Post on 08.04.2024.*

6.On perusal of the records, the Appellant did not comply with the Order dated February 14, 2023.

7.In view of the Order dated February 14, 2023, this Second Appeal has already been dismissed against the respondents 1, 2 and 5.

8.With a view to adhere the principles of natural justice fully and in the interest of justice, this Second Appeal is adjourned to 26.03.2026.

2.Today, Counsel for the Respondents is before this Court.

3.There is no representation on the side of the Appellant.

4.List the matter on March 27, 2026 under the cause list caption “For Dismissal”.”

3.Despite sufficient opportunities given, the Appellant did not choose to appear and argue the Second Appeal. Under these circumstances, this Court has no other option except to dismiss the Second



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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.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To
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- 1.The Additional District Judge, Fast Track Court No.IV, Poonamallee.
- 2.The District Munsif Court, Poonamallee.



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R. SAKTHIVEL, J.

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