



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

Second Appeal No. 1767 of 2004

and

C.M.P.No. 13815 of 2004

Sundarrajan - Family Member
S/o.Patturajan
South Iruppu Village
Vriddhachalam Taluk
Villupuram District.

...Appellant/Appellant/Plaintiff

Versus

1.Ponnambala Padayachi
S/o.Duraisamy
South Street
South Iruppu Village
Vriddhachalam Taluk
Villupuram District.

2.Kaliyaperumal Padayachi
S/o.Adima Padayachi
Middle Street
South Iruppu Village
Vriddhachalam Taluk
Villupuram District.

...Respondents/
Respondents/
Defendants



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Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated March 17, 2003 made in A.S.No. 42 of 2001 on the file of Principal Subordinate Court, Vriddhachalam, partly reversing the Judgment and Decree dated April 3, 2001 made in O.S.No. 85 of 1997 on the file of Principal District Munsif Court, Vriddhachalam.

For Appellant : Mr.S.Babu
Mr.V.Anand

JUDGMENT

This Second Appeal has been filed praying to set aside the Judgment and Decree dated March 17, 2003 made in A.S.No. 42 of 2001 on the file of Principal Subordinate Court, Vriddhachalam, partly reversing the Judgment and Decree dated April 3, 2001 made in O.S.No. 85 of 1997 on the file of Principal District Munsif Court, Vriddhachalam.

2.Mr.S.Babu, representing Mr.V.Anand, Counsel on record for the appellants is before this Court.



3.The daily orders dated June 27, 2018, July 10, 2018, December 18, 2018, January 22, 2019, February 1, 2019 and February 22, 2023 which reads thus:-

June 27, 2018:

Today, memo filed by the Counsel for the second respondent informing that the second respondent had died. Memo is recorded. Counsel for the second respondent is directed to serve the copy of the memo on the Appellants' counsel.

Post the matter on 10.07.2018. Counsel for the Appellants' is directed to take steps for the deceased respondent by then.

July 10, 2018:

Counsel for the Appellants seeks further time to take steps.

Post the matter after two weeks for taking steps.

December 18, 2018:

The learned Counsel appearing for the 2nd respondent has filed memo intimating the death of the 2nd respondent as early as 27.06.2018.

The learned Counsel for the appellant has not taken steps to bring the legal representatives of the deceased 2nd respondent. It is reported by the 1st respondent, postal letter returned unserved and reports no instruction. Since both the respondents died, the learned counsel for the appellant is directed to take necessary steps to bring on legal representatives of the deceased respondents, post on 22.1.2019.



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January 22, 2019:

At the request of the learned Counsel for the Appellant, post the matter on 01.02.2019 for taking steps to bring the legal heirs of the deceased 1 & 2 respondents.

February 1, 2019:

Steps to bring LR's of the deceased R1 & R2, post the matter after two weeks.

February 22, 2023:

The above matters are listed today under the caption "Default Cases" for non-compliance of the requirements of the Registry, including the payment of batta.

2.The concerned counsels are directed to pay the batta and to comply with the other requirements of the Registry, on or before 08.03.2023 as a last chance, and to file proof of compliance, immediately, thereafter.

3.On non-compliance of the requirements of the Registry, on or before the specified date, as directed by this Court, the second appeals shall stand dismissed, automatically, insofar as respondents 1 and 2 in both second appeals are concerned, without further reference to this Court.

4. Office Note dated **March 17, 2026** which reads thus:

Steps not taken till 08.03.2023 in S.A.Nos.1767 & 1768 of 2004.



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5.Despite sufficient opportunities given, the Appellant did not file necessary application to bring on record the legal heir(s)/legal representative(s) of the deceased respondents 1 and 2. Hence, this Court has no other option except to dismiss the Second Appeal.

6. Accordingly, this Second Appeal is dismissed for Non Prosecution. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

18.03.2026

MSM

To

- 1.The Principal Subordinate Court, Vriddhachalam.
- 2.The Principal District Munsif Court, Vriddhachalam.
- 3.The Section Officer, High Court, Madras.



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R.SAKTHIVEL, J

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