



WEB COPY

SA No. 2187 of 2004



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

SA No. 2187 of 2004

AND

CMP NO. 18996 OF 2004

M.K.Marimuthu

..Appellant/
Appellant/1st defendant

Vs

1. E.M.Manickam

2. N.Nachimuthu

3. P.Seerangammal

4. M.Vivekananthan

5. D.Sivakami

6. M.Karunakaran...Respondents 1 to 6 / Respondents 2 to 7/ Plaintiffs 2 to 7

7. M.K.Subramanian ... Respondent No.7 / Respondents 2 to 7/ Plaintiffs 2 to 7

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure 1908, praying to set aside the Judgement and Decree dated April 3,2001 made in A.S.No.239 of 2000 by the Principal District Judge, Erode confirming the Judgment and Decree dated March 28, 2000 made in OS.No.937 of 1993 of the Principal Sub Judge, Erode.



For Appellant(s):

No appearance.

For Respondent(s):

R1 to R-6- served

NO appearance

R7 - (dismissed Vide Court Order Dated: July 25, 2006)

Judgment

On April 21, 2026, this Court has passed the following order:

“When the matter was listed before this Court on March 18, 2026, this Court has observed as follows:

“No representation for the Appellant.

2.The names of the Respondents have been shown in the cause list. No representation for the Respondents Nos.1 to 7.

3.With a view to adhere the principles of natural justice fully, and in the interest of justice, this Second Appeal is adjourned to April 21, 2026.

4.List the matter on April 21, 2026. It is made clear that No Further Adjournment will be given on that day.”

2.Today, there is no representation on either side.

3. Registry is directed to print the name of the Appellant on the next hearing dated and list the matter on 27.04.2026”

2. Pursuant to the daily order of this Court dated April 21, 2026 the Registry has printed the name of the Appellant in the cause list. Though the Appellant's name is printed in the cause list, there is no representation on behalf of the Appellant. The Appellant was called absent.



3. Hence, there is 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.

28-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

JRS

To

1. The Principal District Judge, Erode

2. The Principal Sub Judge, Erode.



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R.SAKTHIVEL J.

JRS

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