



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2026

CORAM

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THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

Second Appeal No. 634 of 2004

1.Jamuna

2.Kalaiselvi

both are residing at

No.8-B, Devendrapuram 11th Street

Salem-1.

...Appellants/Appellants/Plaintiffs

Versus

Krishnaveni

No.8, Devendrapuram 11th Street

Salem-1.

...Respondent/Respondent/Defendant

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908 praying to set aside the Judgment and Decree dated October 23, 2002 made in A.S.No.167 of 1999 on the file of I Additional District Court-Cum-Chief Judicial Magistrate, Salem, confirming the Judgment and Decree dated December 10, 1988 made in O.S.No. 722 of 1988 on the file of Additional Sub Court, Salem.

For Appellants : Mr.G.J.Adithya
For Mr.K.Selvaraj

For Respondent : No Appearance



JUDGMENT

WEB COPY Mr.G.J.Adithya, representing Mr.K.Selvaraj, Counsel on record
for the Appellants is before the Court.

2.The Paragraph Nos.3.7, and 5 of the daily order dated April 10, 2026 reads thus:-

“3.7. In these circumstances, despite sufficient opportunities given, the Appellants did not take proper steps to serve notice to the sole respondent. Considering the facts and circumstances of the case and considering the relationship between the appellants and the defendants, this Court is of the view that this is a fit case to order fresh notice to the sole respondent.

4.Accordingly, issue fresh notice to the sole respondent through Court and Post with correct address returnable by 10.06.2026. In addition, private notice with RPAD is permitted. The appellants shall file proper Batta Memo within TEN (10) working days from today, failing which, the Second Appeal shall stand dismissed automatically, without any further reference to this Court.

5.List the matter on 10.06.2026.”



3.Despite the specific order dated April 10, 2026 the Appellants did not file a proper Batta Memo for the Sole Respondent. A Private notice was also not sent to the Sole Respondent.

4.In view of the facts and circumstances, this Court has no other option except to dismiss the Second Appeal for non prosecution.

5.Accordingly, this Second Appeal is dismissed for non prosecution. Considering the facts and circumstances, there shall be no order as to costs.

10.06.2026

MSM



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R.SAKTHIVEL, J

MSM

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