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SA(MD)No.1143 of 2009

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2026

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

S.A.(MD).No.1143 of 2009

1.Surya Kannu
2.Lakshmi
3.Velammal
4.Karuppana Chidambara Surya Narayanan
5.Jothi Karuppana Surya Narayanan ... Appellants/Appellants
Plaintiffs 3 to 7

Vs

1.The Government of Tamil Nadu,
Rep through its
The District Collector,
Collector's Office, Theni.

2.The Chinnamanoor Municipality,
Through its Commissioner,
Chinnamanur, Theni District.

3.Murugesan

4.Angayarkanni

... Respondents/Respondents/
Defendants 1 to 3 & 2nd Plaintiff

5.AR.Muthusamy

...Respondents

*(R5 is impleaded as party respondent vide order
dated 22.11.2011 made in M.P.(MD)No.1 of
2010 in SA(MD)No.1143 of 2009)*



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PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree in A.S.No.29 of 2005 dated 05.09.2005 on the file of the learned Subordinate Judge, Uthamapalayam upholding the judgment passed by the learned District Munsif Court, Uthamapalayam, Theni District in O.S.No.294 of 1996 dated 11.06.2002.

For Appellants : No Appearance
For R1 & R2 : Mr.P.Thambidurai
Government Advocate
For R5 : Mr.R.Srinivasaragavan

JUDGMENT

When the matter was taken up for hearing on 17.12.2025, the learned counsel for the third respondent filed a memo seeking permission of this Court to withdraw the vakalat for the third respondent. The same was recorded. The learned counsel for the fifth respondent submitted that the third respondent had sold the property to the fifth respondent and the fifth respondent was the contesting party in the second appeal. The learned counsel for the respondents 3 and 5 submitted that the counsel on record for the appellants died and therefore, this Court may direct the



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Registry to issue notice to the appellants. Hence notice to the appellants returnable by 23.01.2026 was ordered.

2.Today, when the matter is taken up for hearing, though the appellants 1 and 5 are served notice and their names are printed in the cause list, none appears. The notice sent to the appellants 2 and 3 was returned with an endorsement “insufficient address” and “no such person”. The notice sent to the fourth appellant was returned with an endorsement “deceased”. It is to be noted that the fifth appellant, to whom the notice has been served, is the brother of the appellants 2 to 4.

3.Despite notice to the appellants through Court as stated above, they have not chosen to appear either in person or through counsel. This Court therefore finds no purpose in keeping the second appeal of the year 2009 pending. Hence, this Second Appeal is dismissed for non-prosecution. No costs.

27.01.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sn

3/5



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TO:

- 1.The District Collector,
Collector's Office, Theni.
- 2.The Commissioner,
The Chinnamanoor Municipality,
Chinnamanur, Theni District.
- 3.The Subordinate Judge,
Uthamapalayam.
- 4.The District Munsif Court,
Uthamapalayam, Theni District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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N.MALA, J.

Sn

Judgment made in
S.A.(MD)No.1143 of 2009

Dated:
27.01.2026