



S.A.(MD)No.46 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

S.A.(MD)No.46 of 2017

and

C.M.P.(MD)No.1034 of 2017

1.Manokaran
2.R.Parvathi
3.C.Gunavathi
4.N.Vanmathi
5.D.Malathi
6.C.Kalaiyarasi
7.R.Tamilarasi
8.R.Geetha
Saroja (Died)
9.Pandiarajan
10.Sundarapandiyan
11.Vijayapandiyan
12.Lakshmi

... Appellants

*[Cause title accepted vide Court order dated 10.11.2016 made in
C.M.P.(MD)No.10403 of 2016 in S.A.(MD)No.SR19882 of 2014]*

Vs.

1.S.Balakrishnan
2.S.Ravindran
Thirumalasamy (Died)



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- 3.Jayabal
4.Baskaran
5.Dhanam
6.T.Saraswathi
7.T.Suresh
8.Sumathi
9.T.Ramesh
10.L.Periyasamy
Mahalakshmi (Died)
11.Sukumar
12.Gopinath
13.Karthik
14.Girija
15.Roopavathi

... Respondents

[R10 is given up as he is held as unnecessary party and not in possession of the property of Item No.1]

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the judgment and decree passed in A.S.No.9 of 2009, on the file of the Subordinate Judge, Periyakulam, dated 14.02.2014, confirming the judgment and decree passed in O.S.No.61 of 1996, on the file of the District Munsif, Periyakulam, dated 27.02.2009.

For Appellants : No appearance

For Respondents : Mr.V.Janakiramulu

for (R-1, 3, 4, 6-8, 14 & 15)

R2 – Died



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R5, 11 to 13 – No appearance

R9 – Notice Returned

R10 – Given up

JUDGMENT

Despite the Second Appeal being listed under the caption “for dismissal” on account of non-appearance on the last hearing date, even today, there is no representation on the side of the appellants. I find that the Second Appeal was already dismissed for non-prosecution, earlier as well on 26.04.2023 and subsequently, restored. The appellant is not interested to prosecute the Second Appeal.

2.In the light of the above, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12.03.2026

Index : Yes / No

NCC : Yes / No

MR



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To

1.The Subordinate Judge,
Periyakulam.

2.The District Munsif,
Periyakulam.

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.B.BALAJI, J.

MR

JUDGMENT MADE IN
S.A.(MD)No. 46 of 2017

12.03.2026