

Sundarrajan Vs. Pushpanathan and Another

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Court : Chennai Madurai

Decided On : Nov-24-2016

Judge : S.S. Sundar

Appeal No. : S.A(MD)No. 125 of 2014

Appellant : Sundarrajan

Respondent : Pushpanathan and Another

Judgement :

(Prayer: Second Appeal filed under Section 100 of Code of Civil Procedure, against the Judgment and Decree dated 31.03.2011 in A.S.No.110 of 2010 on the file of the II Additional Subordinate Judge, Tiruchirappalli reversing the Judgement and decree dated 27.11.2009 made in O.S.No.262 of 2006 on the file of the District Munsif Court, Musiri.)

1. Despite the fact that the death of the first respondent is reported, no steps have been taken to bring the legal heirs on record. Even when the matter was listed on 14.11.2016, there was no representation. Subsequently, when the matter was posted on 21.11.2016, this Court passed an order, giving an opportunity to the appellant to take steps. Even today when the matter is called, there is no representation for the appellant. In such circumstances, this Court has no other option except to dismiss the appeal for non-prosecution. Hence, the second appeal is dismissed for non-prosecution. There is no order as to costs.

