

Mariammal vs Sellamuthu

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Court : Chennai

Decided On : Jun-02-2026

Judge : Honourable Mr.Justice R.Sakthivel

Appeal No. : SA/1019/2005

Appellant : Mariammal

Respondent : Sellamuthu

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2026

CORAM

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL Second Appeal No. 1019 of 2005 and CMP.Nos.429 of 2012 & 13855 of 2005 ----
1.Mariammal 2.Moorthi 3.P.Chidambaram 4.Rasathi 5.P.Sundaravadivel
6.Minor P. Kalaivani 7.Minor P. Seera Boopathy (The Respondent Nos.6 & 7, represented by mother and guardian Rasathi) 8.Subramani ...Appellants/ Respondents 2, 3, 6, 7, 8, 9, 10 & 11/ Plaintiffs 2, 3/Legal heirs of 1st plaintiff

Versus

1.Sellamuthu 2.Palaniammal 3.P.Moorthi 4.Tamil Nadu Electricity Board represented by its Junior Engineer (West) Erode. 5.Surampatti Panchayat, Represented by its Executive Officer, 6.Palanisamy. Respondents/ Appellants 1 & 2 and Respondent Nos.5, 12, 13 & 14/ Defendants 1&2 Page Nos.1/5 Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908 praying to set aside the Judgment and Decree dated January 12, 2004 made in A.S.No.1 of 1989 on the file of I Additional District Sessions Judge, Erode, reversing the Judgment and Decree dated November 25, 1988 made in O.S.No. 2635 of 1981.on the file of Principal District Munsif, Erode.

For Appellants : No Appearance For Respondent : Mr.B.Karthikeyan Nos.4 & 5
Government Advocate For Respondent : Mr.D.Rajagopal Nos.1&2 No Appearance
For Respondent : Dismissed Nos.3 & 6 Vide Court order dated February 7, 2023

JUDGMENT

Mr.B.Karthikeyan, learned Government Advocate appearing for the Respondent Nos.4 and 5 is before the Court. 2.The daily order dated April 29, 2026 which reads thus:- No representation for the Appellants. 2.Mr.V.Ramesh, learned Government Advocate appearing for the Respondent Nos.4 and 5 is before the Court. Page Nos.2/5 3.The daily order dated March 13, 2026, April 8, 2026 and April 21, 2026 which reads thus:- March 13, 2026: Mr.M.Elumalai, representing Mr.B.S.Sundaramoorthi, Counsel on record for the Appellants, and Ms.S.Sowjanya, representing Mr.D.Rajagopal, Counsel on record for Respondent Nos.1 & 2, is before this Court. 2.Mr.R.Siddharth, Additional Government Pleader for Respondent Nos.4 & 5 is before this Court through Video Conferencing Mode. 3.Representing Counsel for the appellants seeks short accommodation. Request acceded to. 4.List the matter on 08.04.2026. April 8, 2026:

There is no representation for the Appellants. 2.Ms.S.Vijaya Lakshmi, Counsel appearing for the Respondent Nos.1 and 2 is before this Court and submits that the first respondent died on 26.08.2020 and the second respondent died on 15.07.2023. Hence, the learned Counsel seeks a weeks time to file a Memo in this regard. Her request is acceded. 3.List the Second Appeal on April 21, 2026.

Page Nos.3/5 April 21, 2026: No representation on either side. 2.List the matter on 27.04.2026 under the cause list caption for dismissal. 4.Despite sufficient opportunities given to the Appellants side Counsel did not appear and proceed with the Appeal.

5.Hence, with a view to give one more opportunity to the learned Counsel appearing for the Appellants and the parties (Appellants), this Court is inclined to adjourn the matter to April 30, 2026. 6.Registry is directed to print the name of the Appellants as well as the Counsel on record for the Appellants and list the matter under the caption for dismissal on April 30, 2026.

3.Despite names have been shown in the cause list, the Appellants did not appear and contest the case. 4.Today also there is no representation for the Appellants. 5.In view of the facts and circumstances, this Second Appeal is dismissed for default. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed. 02.06.2026 MSM Page Nos.4/5 R.SAKTHIVEL, J MSM Second Appeal No. 1019 of 2005 and CMP.Nos.429 of 2012 & 13855 of 2005 02.06.2026 Page Nos.5/5

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