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S.A.No.1642 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2026

Coram:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

**S.A.No.1642 of 2003
and C.M.P.No.15024 of 2003**

Abdul Khalick
S/o. P.K.Sheik Hyder Sahib,
214, Avadi – Poonamallee Road,
Avadi Village & Firka,
Poonamallee Taluk.

...Appellant

Versus

1.Shanmugam
S/o. Late Thanikachalam,
2, Sundara Sholavaram Village,
Thiruverkadu,
Maduravoyal Firka,
Poonamallee Taluk,
Chennai – 77.

2.T.Sundarraaj,
S/o. Late Thanikachalam,
2, Sundara Sholavaram Village,
Thiruverkadu,
Maduravoyal Firka,
Poonamallee Taluk,
Chennai – 77.

...Respondents

Prayer: This Second Appeal has been filed under Section 100 of C.P.C praying to set aside the Judgment and Decree dated 29.08.2002 passed in



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A.S.No.66 of 2001 on the file of Subordinate Judge, Poonamallee and confirm the Judgment and Decree dated 28.06.2001 passed in O.S.No.1067 of 1989 on the file of District Munsif, Poonamallee.

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For Appellants : Mr.J.R.K.Bhavanantham
For Respondent – 1 : Mr.V.S.Gnanasambandan
for Mr.T.Thiyagarajan

ORDER

The Appellant has preferred this Second Appeal against the Judgment and Decree dated 29th August, 2002 in A.S.No.66 of 2001 passed by the learned Subordinate Judge, Poonamallee, reversing the Judgment and Decree dated 28th June, 2001 in O.S.No.1067 of 1989 passed by the learned District Munsif, Poonamallee.

2. Mr.J.R.K.Bhavanantham, Counsel on record for the Appellants and Mr.V.S.Gnanasambandan representing Mr.T.Thiyagrajan, Counsel on record for the 1st Respondent are before this Court.

3. On 12th March, 2026, when this Second Appeal was taken up for consideration, this Court ordered to issue fresh notice to the correct address of 2nd Respondent, through Court as well as privately, returnable by 24th



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April, 2026 and directed the Appellant to file a proper Batta Memo within five working days from 12.03.2026 and adjourned the case to 24th April, 2026.

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4. Thereafter, this Second Appeal has been listed today. In today's cause list, the status of this case has been printed as follows:

*“BATT A NOT FILED WITHIN 5 WORKING DAYS
FROM ORDER DATE. DEFICIT BATT A RS.30/- & ONE
COPY OF MEMO OF GROUNDS NOT FILED REG. R2.”*

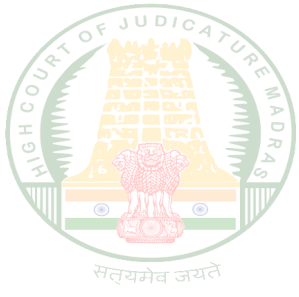
5. Considering the failure on the part of the Appellant to comply with the direction issued by this Court in earlier order dated 12.03.2026, this Second Appeal is dismissed as against the 2nd Respondent.

6. List this Second Appeal on 02.07.2026.

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mrr

Index: Yes/No



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