

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

Second Appeal No.1992 of 1999

Palaniammal

..Appellant/Respondent/
Plaintiff

-vs-

Karpagam
W/o Late Kandaswamy

..Respondent/Appellant/
Defendant

Memorandum of Grounds of Second Appeal under Section 100 of the Civil Procedure Code, against the judgment and decree dated 30.9.1997 made in A.S.No.64 of 1995 passed by the learned Subordinate Judge, Gobichettipalayam, reversing the judgment and decree dated 31.1.1995 made in O.S.No.569 of 1992 passed by the learned District Munsif, Gobichettipalayam.

For Appellant :: No appearance

For Respondent :: Mr.R.T.Doraisamy

JUDGMENT

Mr.A.K.Kumarasamy, learned counsel for the appellant submits that the Vakalat filed by him on behalf of the appellant no longer holds good, since the registered tapal sent by him to the appellant has been returned with a postal endorsement "addressee had died". It is the further submission made by the counsel that since no one approached him to proceed further with the appeal, he would withdraw his appearance for the appellant. This is another way of escaping from the responsibility of informing the Court as to whether the appeal has abated or not. Since none has chosen to come forward to continue the appeal in the second appeal, this Court deems it appropriate to dismiss the appeal for non-prosecution.

2. In the result, the second appeal is dismissed for non-prosecution. However, it is clarified that the order of dismissal shall be superfluous in case the appellant died earlier and the appeal stands abated as on today. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

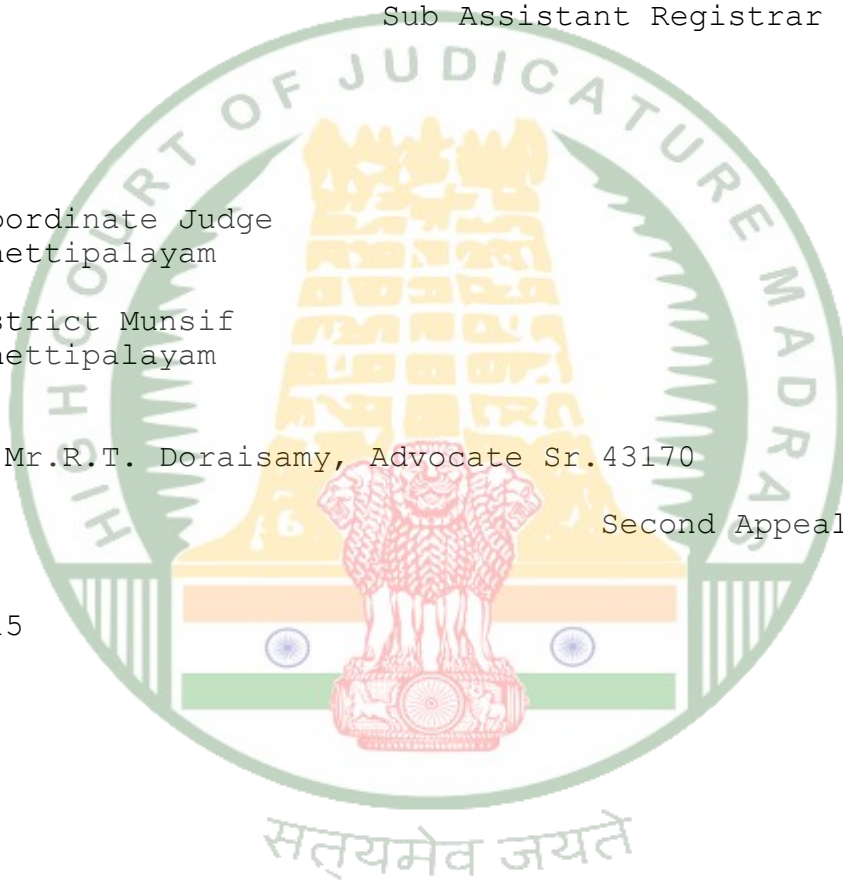
To

1. The Subordinate Judge
Gobichettipalayam
2. The District Munsif
Gobichettipalayam

+ 1 cc to Mr.R.T. Doraisamy, Advocate Sr.43170

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