

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

S.A.No.422 of 2008

Dhakshinamoorthy

.. Appellant/Plaintiff

-Vs-

Thandavarayan

.. Respondent/Defendant

Second Appeal filed under section 100 of C.P.C against the judgment and decree of the learned Principal Subordinate Judge, Tindivanam in A.S.No.11 of 2006 dated 30.11.2006 reversing the judgment and decree of the learned Additional District Munsif, Tindivanam in O.S.No.397 of 1997 dated 14.03.2005.

For appellant : No appearance

For Respondents : Mr.T.R.Rajaraman

JUDGMENT

On the previous date of hearing Mr.A.K.Kumaraswamy, the learned counsel who held vakalat for the appellant, submitted that the appellant took back the bundle and also obtained his consent for engaging another counsel. Though the appellant, as per the above said submissions made by Mr.A.K.Kumaraswamy, took back the bundle six months back, he has not chosen to make arrangements for representation on his behalf through another counsel. The appellant was also not present on the previous date of hearing. However, in order to give him one more chance, this Court directed listing of the matter today and the Registry was also directed to print the name of the appellant with an indication that in the absence of representation today, the appeal will be dismissed for non-prosecution. Accordingly, the name of the appellant stands printed in the cause list. The appellant has not chosen to appear either in person or through counsel to prosecute the appeal. Hence, this Court has got no other option than to dismiss the second appeal for non-prosecution.

2. Accordingly, the second appeal is dismissed for non-prosecution with costs.

Dismissed for non-prosecution with Costs vide order of PRSJ dated 7/8/2015

SA.No.422 of 2008

MEMORANDUM OF COSTS

|                                 |                 |
|---------------------------------|-----------------|
| Stamp for Vakalatnama           | Rs.P<br>..10.00 |
| Advocate's Fee F.C.not received | --              |
| Translation Printing Charges    | Nil             |

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa  
To

1. The Principal Subordinate Judge  
Tindivanam
2. The Additional District Munsif  
Tindivanam

copy to: The Section Officer,  
VR Section high Court, Madras

WEB COPY

S.A.No.422 of 2008

aa06/10/2015