



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

Second Appeal No.82 of 2015 and
M.P.No.1 of 2015

1.Poonkodi

2.Pushparaj

... Appellants/Defendant

Vs.

Andal

... Respondent/Plaintiff

Prayer:- This second appeal has been filed under Section 100 C.P.C., against the judgement and decree of the learned II Additional Subordinate Judge, Cuddalore, dated 27.10.2014 and passed in A.S.No.40 of 2014 reversing the judgement and decree of the learned Additional District Munsif, Cuddalore dated 28.03.2014 passed in O.S.No.336 of 2009.

For Appellant : No Appearance

JUDGEMENT

This second appeal came up for admission on 27.02.2015. At request of the learned counsel for the appellant, it was adjourned. On 03.03.2015, when it was again taken up for admission, the learned counsel for the appellant requested for adjournment. Accordingly, it was adjourned to 04.03.2015. After having made his submissions in part, the learned counsel took time to make his further submissions. Accordingly, the matter was ordered to be listed on 06.03.2015. On 06.03.2015 also, the learned counsel for the appellant sought for adjournment and therefore, it was adjourned to 09.03.2015. On 09.03.2015, when the matter was taken up for admission, there was no representation for the appellant. Therefore, this Court ordered the matter to be listed under the caption "for dismissal" on 10.03.2015. Even on 10.03.2015, though the matter was listed under the caption "for dismissal", the learned counsel for the appellant did not appear. However, taking a lenient view, the matter was adjourned to 18.03.2015. Even today also (18.03.2015), there is no representation for the appellant. It appears that the appellant is not interested in prosecuting the matter further.



2. For having wasted the valuable time of this Court either by taking adjournments or absenting himself, the appellant is trying to drag on the proceedings unnecessarily. It appears that the appellant is not really interested in prosecuting the matter further. Therefore, while dismissing this second appeal for non prosecution, I am impelled to impose appropriate cost on the appellant.

3. In the result, the second appeal is dismissed for non prosecution however with cost of Rs.5,000/- (Rupees five thousand only) to be paid by the appellant to the Hon'ble Chief Justice Relief Fund, High Court, Madras, within a period of two weeks from today. Consequently, connected miscellaneous petition is closed.

Post the matter on 06.04.2015 for reporting compliance.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1. The II Additional Subordinate Judge,
Cuddalore.
2. The Additional District Munsif,
Cuddalore.
3. The Section Officer, Accounts Section, High Court, Madras.
4. The Section Officer, Judicial Postings, High Court, Madras.

Copy To:

1. Poonkodi, W/o. Rajamani,
Bhuvanagiri Main Road,
Therkkuthittai, Melamanakudi Post, Chidambaram (Tk), Cuddalore (Dt).
2. Pushparaj, S/o Poorayar,
Mettu Street, Sithalikuppam Village,
Virupatchi Post, Hamlet of Thaiyalkunampattinam, Cuddalore (Tk),
Cuddalore (Dt).

+1cc to Mr. R. Gururaj, Advocate, S.R.No.15472

Second Appeal No.82 of 2015

TEJ(CO)
CA(27/03/2015)