

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2015

CORAM:

THE HON'BLE MR. JUSTICE P.R.SHIVAKUMAR

Second Appeal No.2085 of 2003

- 1.Erode Electricity Distribution Circle
of Tamil Nadu Electricity Board
Rep. by its Superintending Engineer
Erode
 - 2.Tamil Nadu Electricity Board
Rep. by its Executive Engineer
Operation and Maintenance
Kangayam
 - 3.Tamil Nadu Electricity Board
Rep. by its Assistant Executive Engineer
(South)/Kangayam
 - 4.The Junior Engineer of Kangayam (O&M)
Tamil Nadu Electricity Board (South)
Kangayam
- ... Appellants

Vs

M/s.Sri Sivasakthi Refineries
Private Limited
Rep. by its Managing Director
No.443/1, Akilandapuram
Kangayam - 638 701

.. Respondent

SECOND APPEAL filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the Subordinate Judge, Dharapuram dated 28.10.2002 made in A.S.No.13 of 2002 confirming the Judgment and decree of the District Munsif, Kangayam dated 08.01.2002 made in O.S.No.186 of 2000.

For Appellant : N.Appearance

For Respondents : No Appearance

J U D G M E N T

Mr.N.Muthuswami, who filed Vakalat on behalf of the appellants is not present. Mr.V.Viswanathan, learned Standing Counsel for the Tamil Nadu Electricity Board, on 11.08.2015, submitted that Mr.N.Muthuswami was no longer in the panel and he had been replaced as the Standing Counsel for the Tamil Nadu Electricity Board and that if time would be granted, he would get the Vakalat from the appellants and proceed with the case. After getting two adjournments, Mr.V.Viswanathan was not able to get the Vakalat to proceed with the appeal. On the other hand, he would submit that the lis no longer subsists, since the respondent has paid the entire amount as demanded by the Electricity Board.

2. Be that as it may, the fact remains that the counsel, who holds Vakalat for the appellants remained absent and remains absent. The failure on the part of the appellants to make arrangements for their representation, will give an inference that they have no interest in prosecuting the appeal. No official from the Electricity Board is also present.

3. In view of the fact that there was no authorised person to represent the appellants, this court chose to direct the listing of the matter today under the caption "For Dismissal" with the hope that the appellants would make arrangements for their representation. As they have failed to make arrangements, this court deems it appropriate to dismiss the second appeal for non-prosecution.

Accordingly, the second appeal is dismissed for non-prosecution. However, there shall be no order as to cost.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asr

To

1.The Subordinate Judge,
Dharapuram

2.The District Munsif,
Kangayam

3. The Section Officer,
Vr Section, High Court, Madras.

Second Appeal No.2085 of 2003

TEJ(CO)
Eu 24.09.15



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