

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.547 of 2000

N.Kuppusamy

.. Appellant

-vs-

1. Nataraj

S/o Nachimuthu Gounder

2. Kuppusamy

S/o Mariappa Gounder

... Respondents

Memorandum of Grounds of Civil Miscellaneous Appeal under Section 43-1(u) of the Code of Civil Procedure, against the judgment and decree dated 11.2.2000 made in A.S.No.36 of 1999 on the file of the learned Subordinate Judge, Dharapuram, setting aside the judgment and decree dated 16.08.1999 made in O.S.No.217 of 1998 on the file of the learned District Munsif, Kangeyam.

For Appellant :: No appearance

For Respondents :: Mr.S.Saravanan for R1
R2-Not ready in notice

JUDGMENT

The first defendant before the trial Court is the appellant in this appeal. The first respondent/plaintiff filed the suit for a bare injunction before the learned District Munsif, Kangeyam and the same came to be dismissed after contest. Thereafter, he has pursued the matter in appeal before the learned Subordinate Judge, Dharapuram and the first appellate Court, after setting aside the judgment and decree of the trial Court, has remanded the matter once again to the trial Court to decide the issue. Aggrieved by the same, the appellant/first defendant has filed this civil miscellaneous appeal in the year 2000. While admitting the appeal, this Court has also granted an order of interim stay of the impugned judgment and decree passed by the first appellate Court, by the order dated 30.3.2000 and thereafter the appellant/first defendant has not pursued the matter for quite a long time.

2. Be that as it may, when the matter was called, no one appeared for the appellant. Therefore, the civil miscellaneous appeal is dismissed for non-prosecution. Consequently, the interim order of stay stands vacated and the C.M.P.No.4770 of 2000 is also dismissed. The trial Court is directed to proceed with the suit, as per the order of remand, on merits and in accordance with law.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ss

To

1. The Subordinate Judge
Dharapuram

2. The District Munsif
Kangeyam

1 cc to M/s.S. Saravanan, Advocate, Sr. 54779

C.M.A.No.547 of 2000

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