

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

S.A.No.1142 of 1999

and

C.M.P.No.11107 of 1999

Munusamy Naidu ... Appellant/Defendant

Vs.

Selvaraj ... Respondent/Plaintiff

Prayer:- This Memorandum of Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and decree dated 04.01.1999 and made in the appeal in A.S.No.97 of 98 on the file of the Principal District Judge, Villupuram, affirming the judgment and decree dated 17.12.97 and made in the suit in O.S.No.77 of 94 on the file of the Principal Subordinate Judge, Tindivanam.

For Appellant : No appearance (Mr.Munusamy Naidu)

For Respondent : No appearance (Mr.S.K.Rakunathan)

J U D G M E N T

On perusal of the records, it is understood that the Second Appeal was filed in the year 1999 and it was taken up for admission on 21.07.1999. This matter was referred to Lok Adalat on 06.11.2009 for settlement. Before Lok Adalat also, the appellant had not chosen to make his presence and therefore, Mr.S.Marimuthu.J(Retd) had observed in his order as follows:

'already four times this matter was adjourned, neither the claimant nor the counsel had chosen to appear and therefore, this matter was directed to be posted before Regular Court.'

2. When the matter was taken up for hearing on 09.03.2016 & 10.03.2016, there was no representation for the appellant. Even today, when the matter is directed to be listed under the caption '' for dismissal'' there is no representation for the appellant. Hence, it is presumed that the appellant is not interested in prosecuting the Second Appeal further and therefore, this Second Appeal is dismissed for non-prosecution with cost. Consequently, connected Miscellaneous Petition is closed.

MEMORANDUM OF COSTS

SA.NO.1142 OF 1999

	Rs.	P.
Stamp for Vakalatnama ..	3.	00
Advocate's Fee on Rupees (FC Not Received) ..	..	..
Translation and Printing/ Typing Charges ..	Nil	-----

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

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To

1.The Principal District Judge,
Villupuram.

2.The Principal Subordinate Judge,
Tindivanam.

+1 cc to M/s.S.K.Rakhunathan Advocate sr.22421

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aa03/06/2016