

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

A.S.No.146 of 2007

T.Rajendran

..Appellant/1st Defendant

Vs.

1.Kamatchi Ammal
2.Komala
3.T.Sivasankaran
4.Nirmala

..Respondents/Plaintiff &
Defendants 2&3

Appeal filed under Section 96 and Order 41-A of the Civil Procedure Code against the judgment and decree dated 10.11.2006 made in O.S.No.751 of 2004 on the file of the Additional District Court (Fast Track Court III), Poonamallee.

Appellant : Mr.T.Rajendran (Drafted notice
For Respondents : Mr.V.R.Appasamee (R1 & R2)
Mr.K.Moorthy (R3) - no appearance
R4 - no appearance

J U D G M E N T

When the matter was listed for hearing on 22.07.2016, Mr.P.M.Subramaniam, learned counsel for the appellant submitted that he had given change of vakalat for the appellant and handed over the papers to the appellant for engaging some other counsel. Since no counsel had entered appearance on behalf of the appellant, Registry was directed to send drafted notice to the appellant returnable by 05.08.2016. Pursuant to the order dated 22.07.2016, Registry issued drafted notice to the appellant. However, the notice was returned unserved for want of correct address. The notice was sent to the address given by the appellant in the grounds of appeal. Since this is the only address available with the Registry, the notice was sent to the said address. Therefore, when the matter was listed on 17.08.2016, Registry was directed to print the name of the appellant and posted the matter on 22.08.2016. On 22.08.2016, though the name of the appellant was printed in the cause list, none appeared for the appellant. Hence, the matter was adjourned to today (i.e.) 29.08.2016 under the caption 'for dismissal'. Today also, there is no representation for the appellant. Hence, this Court has no other option except to dismiss the appeal for non

2.In view of the same, the Appeal stands dismissed for non-prosecution. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

va

To

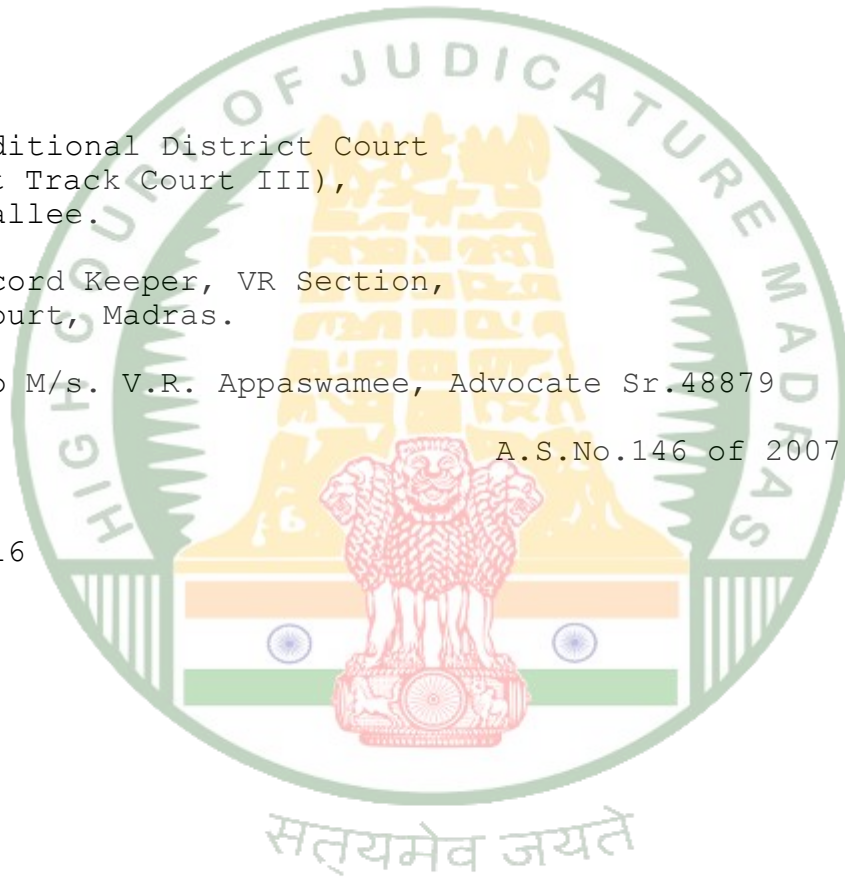
1. The Additional District Court
(Fast Track Court III),
Poonamallee.

2. The Record Keeper, VR Section,
High Court, Madras.

+ 1 cc to M/s. V.R. Appaswamee, Advocate Sr.48879

A.S.No.146 of 2007

UG(CO)
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