

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2014

CORAM:

THE HON'BLE MR. JUSTICE B.RAJENDRAN

Second Appeal No.566 OF 2012

Murugan @ Manuel Raj

.. Appellant/(1st Respondent/
Plaintiff

1. Smt.K.Chandra
2. S.Chinniah

v.

.. Respondents 1 and 2/
Respondent/Appellant
1st and 2nd defendants

SECOND APPEAL filed under Section 100 of the Code of Civil Procedure judgment and decree passed in A.S.No.123 of 2009 dated 05.5.2010 by the Additional Judge and Sessions Judge, FTC III, Chennai, reversing the Judgment and Decree passed in O.S.No.6926 of 2006 dated 15.12.2008 on the file of the VII Assistant City Civil Judge, Chennai.

For Appellant : K.S.Narayanan

For R1 : Mr. Guruprasad

For R2 : Mr. D.Shivakumar

J U D G M E N T

From the docket sheet, it appears that the appellant took adjournment for more than 10 times even from January 2014 onwards. When the matter was listed for hearing on 31.10.2014, there was no representation on behalf of the appellant and hence, the matter was directed to be posted on 11.11.2014 under the caption "for dismissal". On 11.11.2014, Mr.Jain, learned counsel representing for Mr.K.S.Narayanan, learned counsel on record, sought for an adjournment. Therefore, the matter was directed to be posted on 18.11.2014 under the same caption. On that date, the learned counsel represented before the Court that he has engaged some other counsel and he is not going to argue the case. Therefore, the matter was directed to be posted on 19.11.2014 under the same caption. On 19.11.2014, when the case was called, the learned counsel requested the Court to pass over the matter. Therefore, this Court passed over the matter till 2.15p.m. When the matter was again called at 2.15 p.m. the learned counsel sought for adjournment. Therefore, the

matter was again directed to be posted today under the caption "for dismissal". Today morning, when the matter is called, learned counsel again requested the Court to pass over. At 2.15 p.m. the learned counsel appeared before the Court and sought for adjournment.

2. Though sufficient opportunities have been given to the learned counsel for the appellant, he has not chosen to argue the case. Therefore, I am of the view that he is not interested in prosecuting the case. Hence, the second appeal stands dismissed for non prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Judge and Sessions Judge,
FTC III, Chennai.
2. VII Assistant City Civil Judge, Chennai.

+ 1 cc to Mr.D. Shivakumaran, Advocate Sr.55790

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PUR(CO)
Eu 11.12.14

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