

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 16.02.2017****CORAM****THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN****Tr.A.S.No.768 of 1995**

The Union of India, rep. by the
Embarkation Commandant.
Embarkation Head Quarter,
Fort St. George, Chennai – 9.

... Appellant/Plaintiff

Vs

1. The Scindia Steam Nagigation Co., Ltd.,
rep. by their Local Agents,
M/s.Shaik Mohammed Rowther Shipping
Agencies Pvt. Ltd.,

2. M/s.Shaik Mohammed Rowther Shipping
Agencies Pvt. Ltd.

... Respondents/Defendants

Prayer: Appeal filed Under Section 96 of C.P.C. Read with Section 15(2) of the City Civil Courts Act, against the decree and judgment dated 30.04.1990 made in O.S.No.9377 of 1986 on the file of the XVII Asst. Judge, City Civil Court, Madras.

For petitioner : No appearance

For Respondents : No appearance

J U D G M E N T

This above appeal has been filed against the judgment and decree in O.S.No.9377 of 1996. It was originally filed before the City Civil Court and numbered as A.S.No.238 of 1993.

2. The O.S.9377 of 1986 was heard along with O.S.No.9328 of 1986 and a common judgment was rendered on 30.04.1990 as against the judgment and decree

R.SUBRAMANIAN, J

in O.S.No.9328 of 1986, the appellant herein had filed A.S.No.209 of 1994 before this Court. On an application filed by the appellant in Tr.CMP.No.17753 of 1994, the appeal in A.S.No.238 of 1993 was transferred to this Court, by an order dated 08.02.1995, to be heard along with A.S.No.209 of 1994.

3. It is reported by the Registry that A.S.No.209 of 1994 was dismissed for non prosecution as early as on 24.01.2007. No steps have been taken for restoration of the same. Both the appeals arose out of common judgment and hence, no useful purpose will be served by keeping this appeal pending. Notices on the respondents have not been served even though the appeal is nearly 22 years old.

4. Hence, the appeal is dismissed for non prosecution. No order as to costs.

16.02.2017

Index:Yes/No
Internet: Yes/No

To

1. The XVII Asst. Judge,
City Civil Court, Madras.
2. The Registrar,
City Civil Court, Madras.

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