

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

Second Appeal No.1382 of 2000

P.Kannan

.. Appellant

Vs

1.Govindasamy

2.Sampath

3.Chinnaraj

.. Respondents

Second Appeal filed under Section 100 C.P.C. against the judgment and decree dated 24.07.2000 made in A.S.No.23 of 1999 on the file of the Principal Subordinate Judge, Thiruvannamalai, modifying the judgment and decree in O.S.No.719 of 1996 dated 28.01.1999 by the Principal District Munsif, Thiruvannamalai.

For Appellant ... Mr.S.Krishnasamy

For Respondents .. Ms.P.T.Asha
for M/s.Sarvabhauman Associates
for R1 and R2
R3 - dismissed vide order dated
05.12.2009

JUDGMENT

When the matter was taken up for hearing, learned counsel appearing for respondents 1 and 2 submitted that the learned counsel for the appellant has served a copy of the memo dated 30.09.2015. The said memo reads as under:

The counsel for the Appellant submit as follows:-

Letters were sent to the appellant on 12.08.2015, 24.08.2015 and 04.09.2015. The letters dated 24.08.2015 and 04.09.2015 were sent by RPAD. The letter sent on 04.09.2015 was returned with an endorsement that the addressee expired. The copy of the letter dated 04.09.2015 and the returned cover are filed herewith.

Since the sole appellant died and his L.Rs. did not chose to contact the counsel, the counsel could not prosecute the case further.

It is therefore prayed that this Hon'ble Court may be pleased to dismiss the above Second Appeal for non prosecution and thus render justice."

2.The said memo has not been disputed by the learned counsel for the appellant. In such view of the matter, the second appeal is dismissed for non-prosecution. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

To

1.The Principal Subordinate Judge,
Thiruvannamalai.

2.The Principal District Munsif,
Thiruvannamalai.

3. The Section Officer
VR Section High Court Madras

+1 cc to M/s.Sarvabhauman Associates sr 9363

S.A.No.1382 of 2000

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