

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.No.1093 of 2008

1 Mrs. P.Jayalakshmi
2 M.Jayakumar
3 M.Parthiban
4 M.Chakravarthi Babu
5 M.Ravindran
6 Mrs.N.Thenmozhi
7 Mrs. G.Vijayalakshmi
8 Mrs.Karpagam
9 Karthikeyan
10 Mrs.Shanthi
11 Poornish Kumar @ Ragu
12 Jeeva
13 Vanthana
14 V.S.Ruban
15 Sekar ... Plaintiffs

Vs

1 V.K.Ambuja Devi
2 V.K.Chengalvarayan
3 V.K.Chakravarthy
4 V.K.Balasubramaniam
5 P.Satish Gandhi
6 Mrs.P.Vasantha ... Defendants

Prayer : Plaint filed under Order VII Rule 1 CPC R/W Order IV Rule 1 of O.S.Rules, praying for the following judgment and decree against the defendants.

(a) To pass a decree for partition of the Schedule mentioned property and divide by metes and bounds and allot two third of the share to the plaintiffs as their share;

(b) To award cost of the suit.

For Plaintiff : No Appearance

For Defendant : No Appearance

J U D G M E N T

This Court has given a direction on 06.02.2017, directing P.W.1 to appear before the learned Additional Master IV for cross examination without fail, and directing the defendants to complete the cross examination on or before 17.02.2017. The docket order of the Master reveals that P.W.1 is not present for cross examination before the Master. The Master referred the suit to this Court, for further proceedings. Despite several opportunities and specific direction given by this Court for appearance of P.W.1 for cross examination, the P.W.1 has not chosen to appear before the Court. Even there is no reason stated by the learned counsel for the plaintiffs for non appearance of P.W.1 for cross examination. Therefore, the evidence of P.W.1 is eschewed and the Suit is dismissed for default. No Costs.

sd/.P.V.M.J

20.02.2017

//Certified to be a true copy//

Dated this the day of 2017

R.s/27.04.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.