



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.02.2017

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The HONOURABLE MR.JUSTICE M.DURAISWAMY

S.A(MD)No.575 of 2016  
and C.M.P(MD)No.8377 of 2016

Chandra .. Appellant/Appellant/Plaintiff

Vs.

Arumuga Rethina Pandian .. Respondent/Respondent/Defendant

Prayer:- Second Appeal is filed under Section 100 of the Civil Procedure Code against the Judgment and Decree, dated 28.11.2007 made in A.S.No.72 of 2005 on the file of the District Court, Kanyakumari at Nagercoil, confirming the Judgment and Decree, dated 31.03.2005 made in O.S.No.235 of 2003 on the file of the II-Additional Sub Court, Nagercoil.

For Appellant : No appearance

JUDGMENT

When the matter was listed for hearing on 16.09.2016, since the learned counsel for the appellant reported 'no instructions', the Registry was directed to send notice to the appellant. Accordingly, the Registry sent a drafted notice to the appellant, which was duly received by the appellant. Though the name of the appellant has been printed in the cause-list, none appeared for the appellant.

2.When the matter was listed for hearing on 22.02.2017, though the name of the second appellant has been printed in the cause-list, none appeared for him. In these circumstances, the Registry was directed to list the matter under the caption 'for dismissal' on 23.02.2017. On 23.02.2017, ie., today, though the name of the second appellant has been printed in the cause-list, none appeared for him. Hence, this Court has no other option except to dismiss the appeal for non-prosecution.

3.Accordingly, this Second Appeal is dismissed for non-prosecution. However there shall be no order as to costs.



Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

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To

1. The District Judge,  
Kanyakumari at Nagercoil.

2. The II-Additional Sub Judge,  
Nagercoil.

PS

JS/CM/MSA/07.03.2017/2P-3C

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C.M.P (MD) No. 8377 of 2016  
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