

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018
CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

A.S.No.356 of 1993

R.Jayaramakrishnan ... Appellant/Plaintiff
Vs.

1.Sitalakshmi Ammal
2.Life Insurance Corporation of India,
Pollachi Branch, rep. by its
Senior Branch Manager, Udumalai Road,
Pollachi.
3.N.Meenakshi
4.R.Krishnaveni
5.K.Annapoorni
6.R.Jambulingam
7.R.Narayanasamy
8.R.Thiruvengadam
9.R.Mahadevan
10.B.Kaliamma Devi ... Respondents

Prayer:

Appeal Suit is filed under Section 96 of C.P.C.
against the decree and judgment of the learned Subordinate
Judge, Udumalpet dated 24.02.1993 in O.S.No.17 of 1989.

For Appellant : No Appearance
For Respondents : Mr.S.Haja Mahideen Gisthi for R1,
Mrs.Harini for R2,
No Appearance - R3,
Died - R6,
Respondents 4, 5, 7 to 10 Dispensed with.

J U D G M E N T

The above first appeal has been filed by the
plaintiff/appellant challenging the judgment and decree in
O.S.No.17 of 1989, dated 24.02.1993 on the file of the Sub-
ordinate Court Udumalpet.

2. The relief claimed by the plaintiff/appellant in
the said suit is as follows:-

a) declaring that the plaintiff alone is entitled
to the monies due and payable under the two
policies No.44914547 and 44914548 issued by the
3rd defendant on the life of the 1st defendant
together with other benefit.

b) restraining the 3rd defendant by permanent injunction from paying the monies due and payable under the above said policies to the defendants 1 to 2.

c) directing the defendants 1 and 2 to pay the cost of the suit.

3. It is seen from the notes sheet that the counsel who was appearing for the appellant Mr.N.Varadarajan, had died and by order dated 12.01.2018, the Registry was directed to issue notice to the appellant intimating him about demise of his counsel and asking him to enter appearance to another counsel. It is also seen that such a notice has been taken to the party and he has also been served with the said notice on 24.01.2018. Thereafter, the matter had appeared with the name of the appellant being displayed. Despite, being served with the notice, the appellant had not entered appearance today.

4. The matter had come up on 12.02.2018, 16.7.2018, 24.7.2018, 13.8.2018, 14.11.2018 and 19.11.2018. Today, when the matter was posted also there is no appearance on behalf of the appellant. The 2nd respondent also attempted to obtain details about the said policy, since the policy relates to the period of 1977 and the suit is of the year 1992, she has not been able to trace out the details.

5. In the result the appeal is dismissed for non-prosecution. No costs.

msvm

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To
Life Insurance Corporation of India,
Pollachi Branch, rep. by its
Senior Branch Manager, Udumalai Road, Pollachi.

2. The Subordinate Judge, Udumalpet
+1cc to Mr.M.B.GOPALAN, Advocate SR.No. 83571

COPY TO : The section officer, VR Section,
High court, Madras

A.S.No.356 of 1993

A.SK (29/01/2019)