

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.S.A.No.43 of 1997

Canara Bank,
Kelley's Branch, Madras
Rep.by its Manager

... Appellant

Versus

1. Helen Gowri
2. J.Kasturi

...Respondents

Prayer : The Civil Miscellaneous Second Appeal is filed under Order 21 Rule 58 read with Section 100 of Code of Civil Procedure, against the Order and Decree dated 11.01.1996 made in A.S.No.109 of 1995 on the file of the IV Additional Judge, City Civil Court, Madras, confirming the order and Decree dated 17.09.1991 made in E.A.No.4222 of 1990 in E.P.No.2829 of 1988 in O.S.No.7395 of 1975 on the file of X Assistant City Civil Judge, Madras.

For Appellant : Mr.M.Balachandar
No appearance

JUDGMENT

The Civil Miscellaneous Second Appeal has been filed against against the Order and Decree dated 11.01.1996 made in A.S.No.109 of 1995 on the file of the IV Additional Judge, City Civil Court, Madras, confirming the order and Decree dated 17.09.1991 made in E.A.No.4222 of 1990 in E.P.No.2829 of 1988 in O.S.No.7395 of 1975 on the file of X Assistant City Civil Judge, Madras.

2. Earlier, this Court had directed the appellant to take substitute of service through paper publication for the appearance of the respondent in the year of 2001. Thereafter, on 26.02.2015 again this Court directed the appellant to take substitute of service through paper publication in Tamil Daily namely Malai Malar, Madras edition returnable by 16.03.2015. But, eventhough the matter has been posted after three years, there is no proof showing the effect of paper publication.

3. Further, this second appeal is filed in the year of 1997. Despite the matter is pending for more than 21 years, the appellant has not taken any steps to proceed with the case. Even today, there is no representation on behalf of the appellant. Therefore, it is made clear that the appellant is not interested to proceed with the case.

4. In the result, this Civil Miscellaneous Second appeal is dismissed for non prosecution. No costs.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

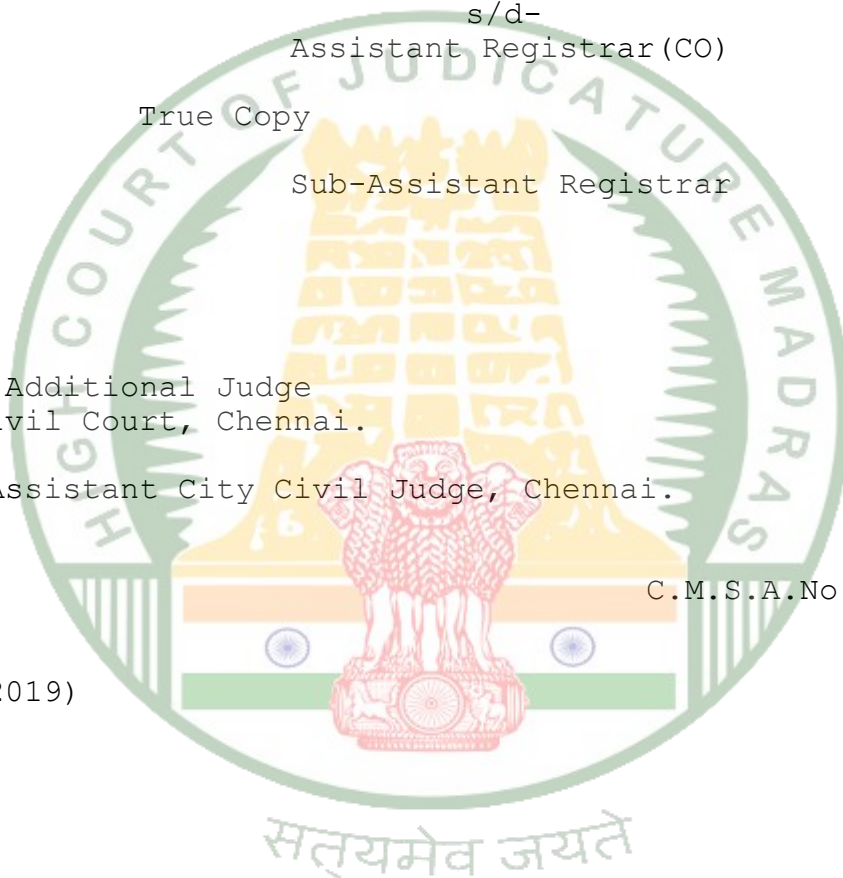
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To

1. The IV Additional Judge
City Civil Court, Chennai.
2. The X Assistant City Civil Judge, Chennai.

C.M.S.A.No.43 of 1997

SVI (CO)
SP(09/01/2019)



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