

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2018

Coram

The Honourable Ms.Justice P.T.ASHA

A.S.No.810 of 2009

and

M.P.No.1 of 2009

K.Gurumurthy

...Appellant/Plaintiff

Versus

1.G.Babu
2.Mrs.Gowri
3.Mrs.Sankari
4.C.P.Palani
5.C.R.Ravi
6.Mrs.Sai Kumari
7.Mrs.Tarabai
8.Mrs.P.Pushpa
9.Mrs.K.Shyamala
10.S.Gajendran
11.S.Ramanadhan
12.S.Krishnamurthy
13.S.Chandrasekar
14.S.Sundaramurthy
15.S.Guru
16.Mrs.K.Kantha
17.Mrs.J.Sankari
18.Mrs.N.Neela

...Respondents/Defendants

This First Appeal is filed under Section 96 r/w Order 41 Rule I & II of C.P.C. praying to set aside the decree and judgment passed on 16.10.2008 in O.S.No.4452 of 2006 on the file of the VI Additional Judge, City Civil Court, Chennai.

For Appellant : No Appearance

For Respondent - 1 : Mr.V.Ravi

Respondents - 2, 9,
11 to 17 : Not ready in notice

Respondents - 3 to 8 & 18: No Appearance

J U D G M E N T

When the matter came up for hearing on 19.11.2018, there was no representation for appellant. Hence, the matter was adjourned to be listed under the caption, "For Dismissal" on 20.09.2018 i.e., today.

2. Even today, when the matter was called, there is no representation on behalf of the appellant.

3. The learned counsel appearing for the first respondent submitted that he had filed a Memo on 26.02.2018, stating that the first respondent had died on 24.10.2011 and giving details about the legal representatives of the deceased first respondent.

4. Till date, no Application has been filed by the appellant's counsel to bring on record the legal representatives of the deceased first respondent and the Appeal is abated as against the first respondent. Be that as it may, none have appeared on behalf of the appellant when the matter was posted under the caption, "For Dismissal".

5. In the result, this First Appeal is dismissed for non prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrr

To

The VI Additional Judge,
City Civil Court,
Chennai.

Copy to

The Record Keeper
VR Section, High Court, Madras 104.

A.S.No.810 of 2009

GP(CO)
SP(18/12/2018)