



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.SUNDAR

S.A.(MD)No.723 of 2011 and
MP(MD)No.1 of 2011

K.Poornachandran

... Appellant/Defendant

Vs.

1.M.Arockiyamary
2.Pramila Mary
3.Vimal Raja

... Respondents/Plaintiffs

PRAYER: Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, to set aside the judgment and decree passed in A.S.No.6 of 2009 on the file of the Additional District Judge (Fast Track Court No.II), Pattukottai, dated 23.02.2011 in confirming the Judgment and decree passed in O.S.No.46 of 2005 on the file of the Subordinate Judge, Pattukottai, dated 30.01.2009 and to allow this appeal.

For Appellant : Mr.C.Jeyaprakash
For Respondents : No appearance

JUDGMENT

One appellant and three respondents are there in this second appeal. All the three respondents have entered appearance through Counsel and name of the learned Counsel has been shown in the cause list today, but none appears.

2.On the side of the appellant, Mr.C.Jeyaprakash, learned Counsel is before this Court and he has filed a memo dated 18.07.2018, which reads as follows:

'MEMO FILED ON THE SIDE OF THE APPELLANT

It is submitted that the above said second appeal has been filed by the appellant above named before this Honourable Court. On 04.07.2018, it came up for final hearing before this Honourable Court and this Honourable Court was pleased to adjourn the matter on today(18.07.2018). On 04.07.2018, a letter has been sent to the appellant through registered post with acknowledgment due for furnishing instruction to conduct the case and the same was acknowledged by the



appellant on 07.07.2017 itself. But, so far no instruction has been provided by the appellant. Now, I am not in a position to conduct the case and hence, it may be recorded as "No Instruction" on the side of the appellant and thus render justice.

WEB COPY

The copy of the letter dated 04.07.2018 sent to the appellant along with postal receipt and the copy of the acknowledgment card is also enclosed herewith.

Dated at Madurai on this the 18th day of July 2018.

Sd/-XXXX
COUNSEL FOR APPELLANT'

3. To be noted, a letter dated 04.07.2018 written by appellant's Counsel to the appellant together with postal acknowledgement card is also enclosed.

4. In the light of the aforesaid scenario, this second appeal is dismissed for default / non prosecution. Consequently, connected miscellaneous petition is closed. No orders as to costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Additional District Judge,
(Fast Track Court II)
Pattukottai.
2. The Subordinate Judge,
Pattukottai.

Copy To:-

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

DSK

TE/BB/SAB-3 : 09/08/2018 : 2P/5C
<https://hcservices.courts.gov.in/hcservices/>

S.A. (MD) No. 723 of 2011
18.07.2018