

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

C.C.C.A. No.82 OF 2008

JUDGMENT:

No representation for the appellant - plaintiff when the case was called at 2.30 p.m. In fact, the present appeal against respondent No.2 was dismissed on 05.04.2006. No application was filed by the appellant to get the dismissal order set aside. It appears the appellant is not diligent in prosecuting the case. In fact, he lost the suit on point of territorial jurisdiction on the ground that the cause of action has entirely taken place at Madras but not within the jurisdictional limits of local Court.

2. Though, the appellant claimed in his grounds of appeal that when the Court below arrived at the finding that it has got no jurisdiction to try the suit, ought to have returned the plaint, but, however, the appellant is not diligent enough to prosecute the appeal which is reflected by his inaction in getting the dismissal order passed against respondent No.2 on 05.04.2006 set aside by taking appropriate steps.

3. Therefore, the present appeal is dismissed for non-prosecution. But, however, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal suit, stand closed.

A. SHANKAR NARAYANA, J

January 31, 2018.

Mgr