

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

A.S.No.145 of 2013

C.C.Chinnappan

...Appellant/Plaintiff

Vs.

1.M.A.Babu

2.Gangappa

3.C.Balraj @ Gangappan

4. K.Yuvaraj

...Respondents/ Defendants

Prayer:

First Appeal filed under Section 96 of C.P.C., against the decree and judgment dated 21.12.2012 made in O.S.No.73 of 2012 on the file of the Principal District Court, Krishnagiri.

For Appellant : No appearance

For Respondents : No appearance

J U D G M E N T

No representation for the appellant, despite the matter being called twice.

2. From the materials available on record, it is found that the matter was listed on 25.10.2019 and on that day, as there was no representation for the appellant as well as the respondents and on the appellant being called and remaining absent, the matter was ordered to be listed on 30.10.2019, under the caption "for dismissal".

3. On 30.10.2019, at request of the appellant's counsel, the matter was adjourned to 08.11.2019, for arguments.

4. On 08.11.2019, again when the matter was called, there was no representation for the appellant, despite the matter being called twice and on the appellant being

called, remaining absent, the matter was again ordered to be listed on 11.11.2019, under the caption " for dismissal".

5. On 11.11.2019, at the request of the appellant's counsel, the matter was ordered to be listed on 18.11.2019 ie., today.

6. Today, as abovenoted, when the matter is called twice, there is no representation for the appellant as well as the respondents and both the appellant and respondents being called and remaining absent.

7. In the light of the above position, it is found that the appellant is not eager and anxious in the prosecution of the Appeal and been dragging on the matter endlessly without any rhyme or reason. Hence, I do not find any sufficient cause in adjourning the matter further.

8. In the light of the abovesaid factors, the First Appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mfa
To

The Principal District Judge,
Principal District Court,
Krishnagiri.

Copy to

The Section Officer,
VR Section,
High Court,
Chennai.

+1cc to Mr.Mukund R.Pandian , Advocate SR.No. 96350

A.S.No.145 of 2013

A.SK(08/01/2020) 2019