

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.411 of 2004

Minor Ramzia Begam

Rep.by guardian and next friend

M.Chella Rowther

.. Appellant

/versus/

1.Abdul Razack (died)

2.Kaya Nisha

3.P.K.Muhammed Siraj

4.P.K.Muhammed Ibrahim

5.P.K.Muhammed Iqbal

6.Kanna @ Sakeela

(RR2 to 6 are brought on record as

Lrs of the deceased sole respondent

vide Order of Court dated 12.03.2009

made in C.M.P.Nos.1879 to 1881 of 2008)

... Respondents

Second Appeal has been filed under Section 100 of Civil Procedure Code against the judgment and decree dated 12.08.2002 and made in A.S.No.61 of 2001 on the file of II Additional District Court, Coimbatore reversing the judgment and decree dated 19.12.2000 made in O.S.No.651 of 1995 on the file of III Additional Sub Court, Coimbatore.

For Appellants :No Appearance

For Respondents:Mr.V.Nicholas for R4

R2,R3,R5 and R6-Not ready notice

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J U D G M E N T

There was no representation on behalf of the appellant. On 21.01.2015, when the matter was listed for final disposal, the learned counsel on record for the appellant has reported that he has already given consent for change of counsel and therefore, the Registry has been directed to print the name of the appellant in the cause list.

2. Thereafter, the matter was listed on following dates 21.01.2015; 28.01.2015; 02.03.2015; 16.03.2015 and 25.03.2015 under the caption "For Dismissal". Thereafter, the case has not been listed. When the case is listed today, there is no representation on behalf of the appellant.

3. The records indicate that the appeal has been preferred by minor Ramzia Begam represented by guardian and next friend Chella Rowther. Earlier when the matter was referred to Lok Adalat for settlement, Mr.M.Chella Rowther has appeared before the Lok Adalat on 01.12.2012 and reported that minor Ramiza Begum has attained majority and he will take steps to declare her as major and also reported to the Lok Adalat that they are not interested in settling the matter through Alternative Dispute Resolution Method(ADR). Thereafter, the appellant has not taken any interest in this appeal either to engage the counsel or to take steps to declare the appellant as major and when the matter is listed, to pursue the case there is no representation for the appellant. Though this appeal is listed for final hearing for more than six hearings, in none of the hearings the appellant has been represented. Therefore, this Court finds that there is no reason to keep the matter pending any further. Hence, this Second Appeal is dismissed for non prosecution. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The III Additional Subordinate Judge,
Coimbatore.

2.The II Additional District Judge,
Coimbatore.

+1cc to Mr. V.Nicholas, Advocate, S.R.No. 170

S.A.No.411 of 2004

KS(CO)
GN(14/02/2019)