

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2019

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

C.S.No.760 of 2011

&

O.A.No.65 of 2012

1.Mr.Marimuthu

2. Dr.E.Suguna

... Petitioners

vs.

1.Mrs.J.Rama

2.Mr.D.Pasupathy

... Respondents

Plaint filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 CPC seeking partition of the property bearing Door No.16, Thiruvalluvar Salai, Teynampet, Chennai - 600 018 now known as Door No.38/10, Seethamma Colony, Vanniya, Teynampet, Chennai-600 018 comprised in S.No.3771/5, Block No.74, in extent 1 ground and 90 sq.ft morefully set out in the schedule hereunder, into 4 share each equally between the plaintiffs and defendants, by metes and bounds and put the plaintiffs in possession of 2/4 share in the schedule property and to pay costs of the suit..

For Petitioners : No appearance

For Respondents : No appearance

JUDGMENT

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 06.11.2019, 09.12.2019 and 10.12.2019, which read as follows:

'Proceedings dated 06.11.2019

A memo was filed by the learned counsel for the plaintiffs that she has no instructions from the plaintiffs, hence notice was ordered to the plaintiffs through Court. First plaintiff was served on 21.08.2019 and second plaintiff could not be served before the date. Therefore, Registry is directed to serve notice to the second plaintiff on or before 20.11.2019.

2. Post the matter on 26.11.2019.'

'Proceedings dated 09.12.2019

No representation for both sides. List under the caption 'For Dismissal' on 10.12.2019.'

'Proceedings dated 10.12.2019

This matter is listed under the caption 'For Dismissal'. Learned counsel for the plaintiffs M/s.S.P.Arthi draws the attention of this Court to a memo of no instruction dated 05.08.2019 filed by her.

2.Registry to show the names of both plaintiffs together with their addresses as in the short cause title of the plaint. List under the caption for dismissal tomorrow (11.12.2019).

3. Registry not to show the name of the counsel for petitioner tomorrow (11.12.2019)'

2. This Court is informed that second plaintiff has since been served. Pursuant to proceedings made yesterday (10.12.2019), names of both the plaintiffs together with their full/complete addresses as in the short and long cause titles of the plaint is shown in the cause list. This Court is informed that no new counsel has entered appearance for the plaintiffs. Names of plaintiffs called out aloud thrice in Court and adjoining corridors. No response.

This suit is dismissed for default/non-prosecution. No costs. Consequently, connected original application is closed.

11.12.2019

Speaking order: Yes/No

Index: Yes/No

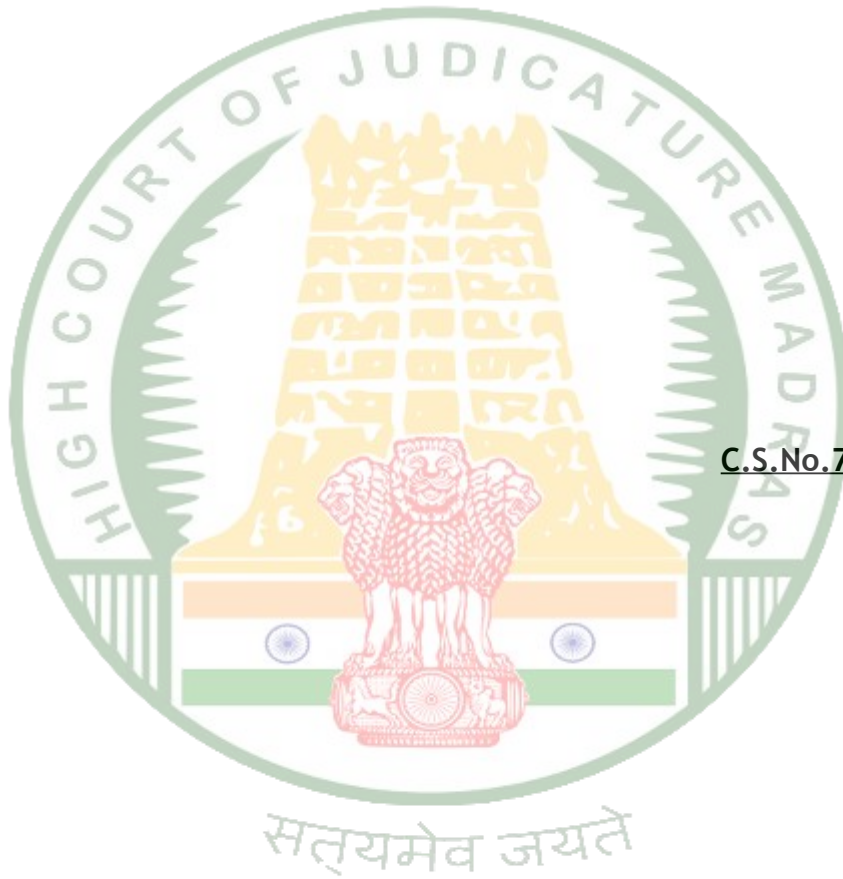
gpa

सत्यमेव जयते

WEB COPY

M.SUNDAR.J.,

gpa



C.S.No.760 of 2011

WEB COPY

11.12.2019