



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM

THE HONOURABLE MRS. JUSTICE NISHA BANU

SECOND APPEAL (MD) No.175 of 2009

Shyamala

... Appellant /
Respondent / Plaintiff

Vs.

1.Jeyalakshmi

2.Elangovan

... Respondents /
Appellants / Defendants 1 & 3

COMMON PRAYER: Appeal filed under Section 100 of C.P.C., against the judgment and decree, dated 20.02.2008, passed in A.S.No.1 of 2006 by the Additional District and Sessions cum Fast Track Court, Dindigul, partly reversing the judgment and decree, dated 11.08.2005 passed in O.S.No.462 of 1997 by the Additional Subordinate Court, Dindigul.

For appellant

... No appearance

For respondents

... Mr.I.Velpradeep

JUDGMENT

When the matter came up for hearing on 17.09.2019, the learned counsel appearing for the respondents / defendants 1 & 3 submitted that the disputed property has already been sold by the appellant/plaintiff to a third party, who in turn sold the same to the respondents/defendants and therefore, nothing survives for adjudication in this appeal. The learned counsel for the appellants sought time to verify the said factum and hence, this Court adjourned the matter to 24.09.2019. On 24.09.2019, the learned counsel for the appellant again sought time to verify and hence, this Court adjourned the matter to 14.10.2019. On 14.10.2019 the learned counsel for the appellant again sought time as a last chance to verify and hence, this Court directed to list the matter today ie., on 21.10.2019. Today, there is no representation for the appellant. Though sufficient time granted, the learned counsel for the appellant is not ready to either argue the appeal or report ~~about the status~~ of the appeal. It shows that the appellant is not



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interested in prosecuting the matter further. Hence, this Court is inclined to dismiss this appeal for default. Accordingly, this second appeal is dismissed for default. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

gcg

To

1.The Judge, Additional District and Sessions cum
Fast Track Court, Dindigul.

2.The Additional Subordinate Judge,
Dindigul.

Copy to:

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

+1 CC to M/s.I.VELPRADEEP, Advocate (SR-93456[F] dated 22/10/2019)

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JMN(04.11.2019) 2P : 6C