

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.01.2020
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
A.S.No.647 of 2006
&
C.M.P.No.9693 of 2006

Sujatha Patel

...Appellant/ Defendant

Vs..

M/s.FCI Technology Services Limited,
No.7, 1st Avenue, Shastri Nagar,
Adyar, Chennai - 20.

...Respondent/Plaintiff

Appeal Suit filed under Section 96 and Order 41-A, Rule 1 of C.P.C., 1908 against the judgement and decree of the Additional District cum Sessions Fast Track Court - I, Chennai in O.S.No.4865 of 2001 dated 21.09.2004.

For Appellant : Mr.M.Muthappan

JUDGEMENT

The Appeal Suit is filed against the judgement and decree of the Additional District cum Sessions Fast Track Court - I, Chennai in O.S.No.4865 of 2001 dated 21.09.2004.

2.The suit was instituted for recovery of money by the appellant and the plaintiff before the Trial Court is a company namely FCI Technology Services Limited. Scrutinization of the case papers reveals that notice has not been served to the respondent. The bailiff who made an attempt to serve notice to the respondent made an endorsement that the notice was returned unserved and on enquiry it was found that no such company in the above said address is functioning. Thus, notice was returned unserved. The first notice was served on 21.01.2006. The bailiff submitted another report on 21.07.2014 stating that the office of the respondent had vacated from the premises and therefore the notice was returned unserved. Another effort taken by the bailiff to serve the respondent also failed and the bailiff made a report on 08.03.2017. The learned counsel for the appellant also made a submission that the efforts taken by the appellant also has not been fructified and they could not be able to serve notice to the respondent.

3.Despite the fact that efforts are taken both by the appellant as well as by the Registry to serve notice to the respondent, the respondent is not available and no such company is functioning in the address given in the Appeal Suit.

4.This being the factum, this Court is of the opinion that no useful purpose would be served in the event of keeping the Appeal Suit pending for an unspecified period. In the absence of serving notice to the respondent, the Appeal Suit cannot be decided on merits. Thus, the Appeal Suit stands closed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrm
To

The Additional District cum Sessions Judge,
Fast Track Court - I,
Chennai.

Copy to:
The Section Officer, VR Section, High Court, Madras.

+lcc to Mr.S.Venkatakrishna kumar , Advocate SR.No. 7509
A.S.No.647 of 2006
A.SK(04/12/2020)

सत्यमेव जयते
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