

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.NO.1259 OF 2004

AND

M.P.NO.19949 OF 2004

A.V.Thomas & Co., Ltd.,  
28/961-b, Panampilli Nagar,  
Cochin-682 015.

.. Appellant

vs.

1. M/s.Premier Paper Products,  
Post Box No.1047,  
34, Venkitasamy Road,  
R.S.Puram, Coimbatore-2.

2. M/s.Premier Plass Park Limited,  
34, Venkitasamy Road,  
R.S.Puram, Coimbatore-2.

.. Respondents

Prayer :

First Appeal filed against the Judgment & Decree dated 20.09.2002 passed in O.S.No.127 of 2002 on the file of the Additional District Judge & Fast Track Court No.1, Coimbatore.

For Appellant : Mr.M.Vijayan  
for M/s.King & Partridge

J U D G M E N T

The appeal suit is filed against the judgment and decree dated 20.09.2002 passed in O.S.No.127 of 2002 on the file of the Additional District Judge & Fast Track Court No.1, Coimbatore.

2. The plaintiff is the appellant before this Court. After filing of the appeal suit, notice was ordered and the first appeal is pending for the past 16 years, no notice has been served to the respondents till today. Taking note of the fact that even after a lapse of 16 years, the appellant is unable to serve notice to the respondents, this Court permitted the

appellant to take private notice to the respondents and time was granted. Even after providing an opportunity, the learned counsel for the appellant made a submission that they are unable to serve notice to the respondents for want of correct address. The learned counsel for the appellant states that they sent private notice which returned as not served. This being the factum, this Court is of the opinion that no purpose would be served in the event of keeping the matter pending for an unspecified period and the appellant is unable to serve notice to the respondents. This being the factum, the appeal suit stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssb

To

The Additional District Judge &  
Fast Track Court No.1, Coimbatore.

+1cc to M/s.King & Partridge, Advocate, S.R.No.6257

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M.P.No.19949 of 2004

BP(CO)  
CS/10/03/2020