

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

SECOND APPEAL NO.1008 OF 2009

&

M.P.NO.1 OF 2009

Jeyaraman

.. Appellant/
Appellant/1st Defendant

/versus/

1.Subathrai
2.kaikeyee
3.Vedhavalli
4.Pasupathi
5.Jayalakshmi
6.Amudhavalli
7.Venkateshan

.. Respondents 1 to 7/
Respondents 1 to 7/
Plaintiffs 3 to 9

8.Karuppaiyan
9.Kandasamy
10.Pappu Moopanar
11.Devanai Ammal

.. Respondents 8 to 11/
Respondents 8 to 11/
Defendants 2, 3, 5 & 6

Prayer:

Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 17.11.2008 made in A.S.No.31 of 2008 on the file of the Additional District Court/Fast Track Judge of Ariyalur confirming the judgment and decree dated 28.07.2003 made in O.S.No.39 of 1996 on the file of the Principal District Munsif of Ariyalur. (Pauper O.P.No.45 of 1985).

For Appellant :Mr.N.Manokaran

For Respondents:Mr.M.V.Krishnan for R1 to R6
No appearance for R7 to R11

JUDGMENT

(The case has been heard through video conference)

The matter was under consideration by this Court for the past two months. The learned counsel appearing for respondents 1 to 6 reported that the parties have arrived at settlement. However, the learned counsel appearing for the appellant could not ascertain the fact. Today, a memo has been filed by the learned counsel appearing for the appellant, which reads as below:

"It is humbly submitted that the above Second Appeal was entrusted by R.Gokulakrishnan, Advocate to N.Manokaran, Advocate. Later, R.Gokulakrishnan, Advocate became independent and he has followed up the appeal till this date. Whiles, the appellant has informed R.Gokulakrishnan, Advocate that the matter has been settled between the parties, but he has not turned up for filing memo to that effect. In fact, several remainders were sent to the appellant through his counterpart at trial Court. Hence, R.Gokulakrishnan, Advocate has instructed N.Manokaran, Advocate to report "No instruction".

It is therefore, prayed that the Hon'ble Court may be pleased to accept this memo and record "No Instruction" from the appellant and thus render justice."

2.Recording the same, this second appeal is dismissed for default. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Additional District Judge/Fast Track Court Ariyalur.
2. The Principal District Munsif, Ariyalur.

S.A.No.1008 of 2009
and M.P.No.1 of 2009

GJ(CO)
CS/04/11/2020