

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.NO.1553 OF 2017

Subbarayan,
S/o.Kali Gounder,
Door No.3/139, Bharathi Nagar,
Mohanur Road, Namakkal Town,
Namakkal Taluk, Namakkal Dt.

... Appellant

Vs

M.Subramaniam,
S/o. Muthusamy Gounder,
Door No.3/163 A, I Floor,
Dheeran Nagar, Mohanur Road,
Namakkal Town, Namakkal Taluk,
Namakkal District.

... Respondent

PRAYER :

Civil Miscellaneous Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996, praying to set aside the order and decretal order dated 25.11.2016 passed by the Hon'ble Principal District Judge, Namakkal in A.R.O.P. No.67/2010.

For Appellant : No appearance

J U D G E M E N T

When the matter came up before this Court, in the last hearing, this Court posed the question of maintainability to the learned counsel appearing for appellant as the nature of agreement governing the parties for reference, the learned counsel took adjournment. Accordingly, this matter is posted for hearing on 26.08.2020 under the caption "For orders".

2. Today, when the matter came up for hearing, conveniently, the learned counsel appearing for the appellant has not made any submissions. When the court had expressed its view and raised the doubt as to the maintainability of the appeal, the learned counsel having sought the adjournment to argue the matter on merits and when the matter is posted for orders, the conduct of the learned counsel appearing for

appellant remaining absent makes it clear that his absence is nothing but deliberate, only in order to avoid any orders from this court. Therefore, this Court is of the view that such conduct cannot be appreciated. Hence, this Civil Miscellaneous Appeal deserves to be dismissed. Accordingly, this Civil Miscellaneous Appeal is dismissed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

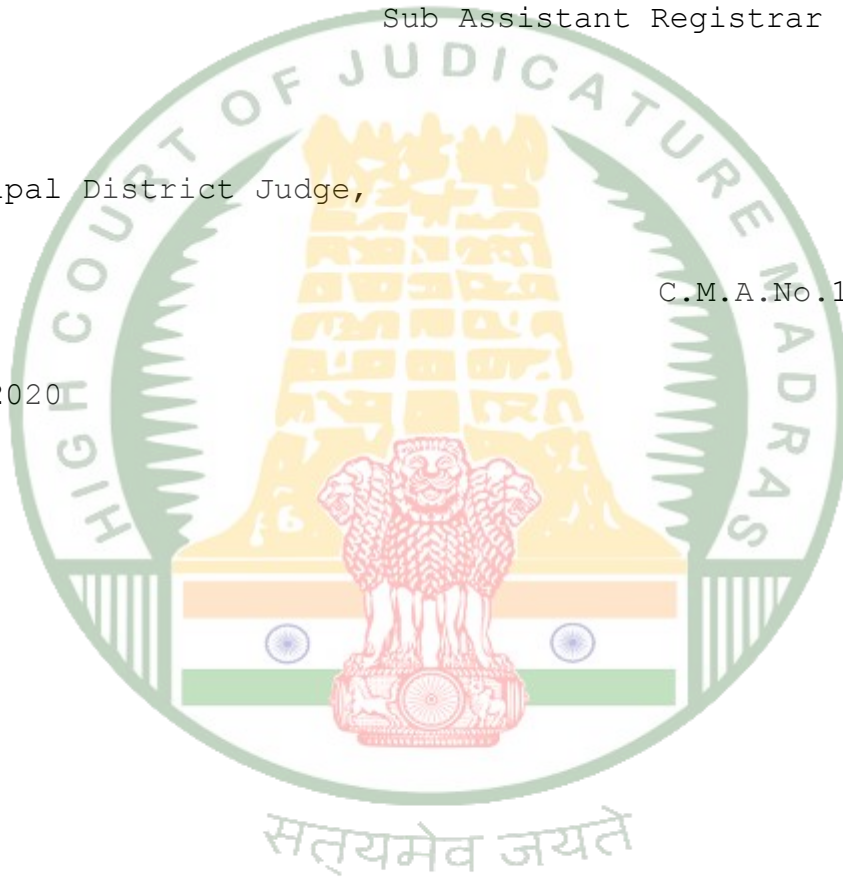
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To

The Principal District Judge,
Namakkal.

C.M.A.No.1553 of 2017

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