



WEB COPY

**S.A.(MD)No.288 of 2018**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

S.A. (MD)No.288 of 2018

and

C.M.P. (MD)No.9266 of 2018

C.Wilson

... Appellant / Respondent/Plaintiff

-Vs-

Priscilla Kumari

..Respondent/Appellant/Defendant

**Prayer:** Second Appeal is filed under Section 100 of Civil Procedure Code, to set aside the decree and judgment in A.S.No.72 of 2013 dated 18.11.2015 on the file of the Subordinate Judge, Kuzhithurai reversing the judgment and decree in O.S.No.137 of 2009 dated 12.08.2011 on the file of the First Additional District Munsif, Kuzhithurai thereby to restore the judgment and decree of the trial Court in O.S.No.366 of 2007.

For Appellants : No Appearance

For Respondent : Mr.P.T.Ramesh Raja

### **JUDGMENT**

One Mr.Suresh, learned counsel appeared for the appellant on 31.07.2020 and made a statement that the counsel on record has since become a Judicial Officer and he is yet to collect the papers. Thereafter, the matter came before this Court on 13.08.2020. Again the learned counsel took time. Thereafter, the matter once again listed on 07.09.2020. But, there was no representation for the appellant and the matter again came on 08.09.2020. Again the learned counsel did not log-in. In each of the posting, when the case is adjourned, the next posting date is given. This apart, the restrictions in the movement owing to Covid-19 regulations have been largely relaxed, even though physical Court has not commenced.

2. This matter is pending from 2018 and since the date of its first posting on 24.09.2018, total number of 10 adjournments have

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been sought.

3. It is very unfortunate that inaction of the learned counsel for the appellant in past and present exhibits a general indifference to judicial process, disregard the law in the institution in the fact of its well advertised failure.

4. This Second Appeal is dismissed for default. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Subordinate Judge, Kuzhithurai.

2.The First Additional District Munsif, Kuzhithurai

**S.A. (MD) No.288 of 2018**

**22.09.2020**

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SRK (CO)

**KK(30.09.2020) 2P 3C**