

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

A.S.No.761 of 2005

and

C.M.P.Nos.12571/2005 & 5588/2006

Zulaika Bee

Rep by her

Power of Attorney

M.R. Syed Ahmed and Akbar Shariff

.. Appellant/Plaintiff

Vs.

1. Bathula Bee

2. Aftab Begam alias Nasreen Fathima

3. Kousar Jehan

..Respondents/Defendants

PRAYER: Appeal Suit is filed under Section 96 of C.P.C against the judgment and decree passed by the Additional District and Sessions Judge, Fast Track Court No.IV, Chennai made in O.S.No.4299 of 2001 dated 12.01.2005.

For Appellant : Mr.Perumbulavil Radhakrishnan

For Respondents : No appearance

J U D G M E N T

(The case has been heard through video conferencing)

Read in continuation of the order passed by this Court on 08.01.2021, today the learned counsel for the appellant appeared. Further adjournment is sought. This Court is not inclined to grant any further adjournment, since the matter is pending from 2005. Whenever the matter listed, there was no proper representation and the petition to bring the legal representatives of the deceased sole appellant is pending for more than 15 years without any effort to serve notice to the proposed parties.

2. Precisely for the said reason, when the matter was listed on 08.01.2021, this Court after recording the entire facts adjourned this matter to 20.01.2021 to enable the appellant to take necessary steps by then. Unfortunately even after granting adequate time, the appellant has not taken necessary steps.

3. This Court is of the view that it is futile to keep the first appeal, which has become abated as early as 2006, on the death of the sole appellant. Hence, the Appeal Suit is dismissed. Consequently, connected civil miscellaneous petitions are also closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpl
To

Additional District and Sessions Judge,
Fast Track Court No.IV,
Chennai

Copy to

The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.Perumbulavil Radhakrishnan, Advocate sr 3476.

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AD(CO)
SP(04/03/2021)