

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.28 of 2010

M.P.No.1 of 2010

1.Deivanayagi

2.Minor Ravikumar  
S/o.Senthilkumar,  
rep.by next friend  
and mother Deivanayagi

3.Sulochana

...Petitioners/Respondents 1 to 3

vs.

1.A.Loganathan

...Respondent/Appellant

2.A.Angamuthammal

...2<sup>nd</sup> Respondent/4<sup>th</sup> Respondent

PRAYER : Civil Miscellaneous Second Appeal filed under Order 21 Rule 58 C.P.C r/w Section 100 of C.P.C, against the judgment and decree dated 12.04.2010 made in A.S.No.138/2009 on the file of the Principal District Judge, Erode by reversing the fair and final order dated 10.08.2009 made in E.A.No.191 of 2009 in E.P.No.85 of 2007 in O.S.No.118 of 2004 on the file of the Sub-ordinate Judge, Dharapuram.

For Petitioner : Mr.M.Sriram

For Respondent : R1-not ready in notice  
R2-Died

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O R D E R

The Civil Miscellaneous Second Appeal is filed against the judgment and decree dated 12.04.2010 made in A.S.No.138/2009 on the file of the Principal District Judge, Erode by reversing the fair and final order dated 10.08.2009 made in E.A.No.191 of 2009 in E.P.No.85 of 2007 in O.S.No.118 of 2004 on the file of the Sub-ordinate Judge, Dharapuram .

2. This Court passed an order on 13.12.2010 issuing notice to the respondent returnable by 04.01.2011 and private notice was also permitted. Despite the order of this Court, no steps are taken either to pay batta or serve notice to the respondent through privately. Thus, an inference is to be drawn that the petitioner is not interested in pursuing the litigation. Accordingly, the Civil Miscellaneous Second Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb

To

1.The Principal District Judge, Erode.

2.The Sub-ordinate Judge, Dharapuram.

Copy to

The Section Officer  
VR Section  
High Court, Madras 104.

C.M.S.A.No.28 of 2010

BR(CO)  
SP(10/02/2021)

सत्यमेव जयते

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