

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.11 of 2009

and

M.P.No.1 of 2009

1.Nirmala

2.S. Saminathan

3.S. Padmanaban

4.S. Gomathi

.. Appellant

Versus

1.Gnannambal

2.Venkatachalam

.. Respondents

Prayer: Civil Miscellaneous Second Appeal filed under Order 41 Rule 3 r/w 100 of the Code of Civil Procedure, against the order dated 26.09.2008 made in C.M.A.No.16 of 2007 on the file of the Additional District and Sessions Judge, F.T.C., No.III, Dharapuram which was confirming the order dated 02.08.2007 made in E.A.No.222 of 2006 in E.P.No.122 of 2005 in O.S.No.68 of 91 on the file of the District Munsif Court, Kangeyam.

For Appellants : Mr. S. Lakshmanasamy

For Respondents : Batta due

J U D G M E N T

This Court passed an order on 18.04.2007, ordering notice to the respondents returnable by 15.06.2009. Private notice was also permitted. Again the matter was listed and an order was passed on 18.12.2018, ordering fresh notice to the respondents returnable by 18.01.2019 and private notice was also permitted. Third time also an opportunity was given to the appellants to serve the respondents privately. In spite of these opportunities, the appellants have not even paid batta nor served notice to the respondents privately. The matter is pending for the past about 11 years and the appellants have not taken any steps to serve notice to the respondents and therefore, this Court is not inclined to keep the appeal pending

further. Accordingly, the CMSA.No.11 of 2019 stands dismissed.
No costs. Consequently, connected miscellaneous petition is
closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

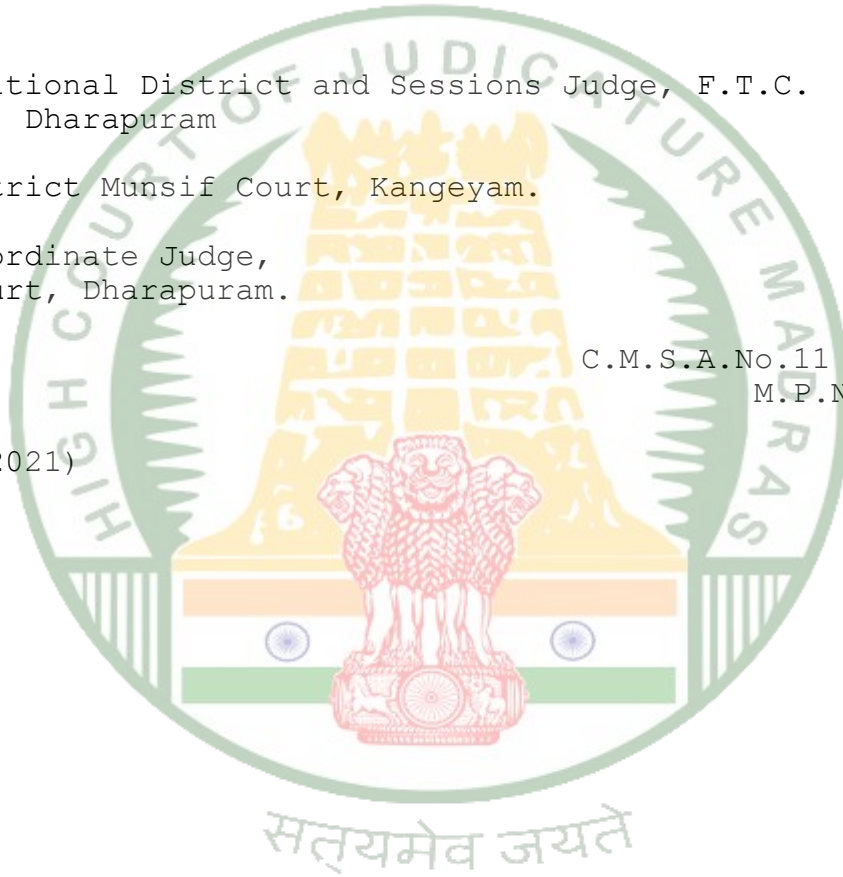
AT

To

- 1.The Additional District and Sessions Judge, F.T.C.
No.III, Dharapuram
- 2.The District Munsif Court, Kangeyam.
- 3.The Subordinate Judge,
Sub Court, Dharapuram.

C.M.S.A.No.11 of 2009 and
M.P.No.1 of 2009

AD(CO)
CB(02/03/2021)



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