

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.5 of 2010

Indirani .. Petitioner/Appellant
vs.
A.Muthusamy .. Respondent/Respondent

PRAYER : Civil Miscellaneous Second Appeal filed under Order 41 Rule 27 C.P.C r/w Section 100 of C.P.C, against the judgment and decree of the learned Additional District Judge cum Fast Track Court No.I, Erode in C.M.A.No.59 of 2008 dated 18.11.2009 reversing the fair and final order of the learned Principal Sub-ordinate Judge of Erode in I.A.No.212 of 2003 in H.M.O.P.No.90 of 1987 dated 17.06.2008.

For Petitioner : Mr.S.Kaithamalai Kumaran
For Respondent : Not served

O R D E R

The Civil Miscellaneous Second Appeal is filed against the judgment and decree of the learned Additional District Judge cum Fast Track Court No.I, Erode in C.M.A.No.59 of 2008 dated 18.11.2009 reversing the fair and final order of the learned Principal Sub-ordinate Judge of Erode in I.A.No.212 of 2003 in H.M.O.P.No.90 of 1987 dated 17.06.2008.

2. This Court passed an order on 23.03.2010 issuing notice to the respondent returnable by four weeks and private notice was also permitted. Again, the matter was listed on 18.12.2018 and 18.01.2019, and on both occasions, notice was ordered to the respondent and private notice was also permitted. In spite of the orders 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.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

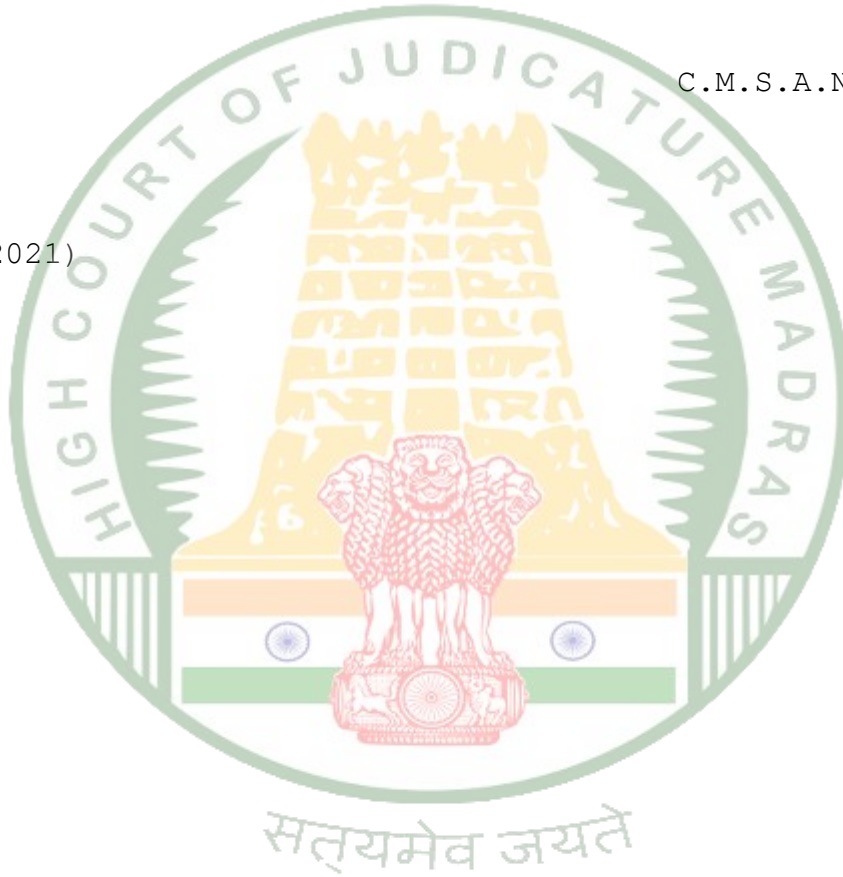
ssb

To

- 1.The District Judge,
Additional District Judge cum Fast Track Court No.I,
Erode.
- 2.The Sub Judge,
Principal Sub-ordinate Judge of Erode

C.M.S.A.No.5 of 2010

VG I (CO)
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