

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.S.A.No.38 of 2004 and
C.M.P.No.17425 of 2004

Ramajeyam

... Appellant

Vs.

1.Vijayalakshmi

2.Pavadai

.. Respondents

Prayer : Civil Miscellaneous Second Appeal filed under Order XXI R.58(4) r/w Section 100 of C.P.C., against the order and decreetal order dated 20.02.2004, made in C.M.A.No.24 of 2002 on the file of the Subordinate Court at Chidambaram, confirming the order and decreed order dated 31.10.2001 made in E.A.No.1230 of 1985 in E.P.No.291 of 1985 in O.S.No.707 of 1980, on the file of the District Munsif Court, Chidambaram.

For Appellant : Mr.Srinath Sridevan

For Respondents : Not ready in notice

J U D G M E N T

The order and decreetal order dated 20.02.2004, made in C.M.A.No.24 of 2002, confirming the order and decreed order dated 31.10.2001 made in E.A.No.1230 of 1985 in E.P.No.291 of 1985 in O.S.No.707 of 1980, is under challenge in the present civil miscellaneous second appeal.

2. A perusal of the case records reveals that in respect of the orders of this Court on 10.11.2004, the appellant has not served notice to the respondents. Several opportunities were provided to the appellant on 13.12.2018, 20.12.2018, 09.01.2019, 23.01.2019 and finally on 15.10.2019, again permitting the appellant to serve notice to the respondents, even private notice was also permitted by this Court. In spite of the opportunities provided by this Court, enabling the appellant to serve notice to the respondents, till date, the appellant has not served notice to the respondents.

3. The learned counsel for the appellant states that notice was sent to the respondents and the cover was returned with an endorsement "insufficient address".

4. In view of the fact that the appellant has not taken any steps to find out the correct address to send notice for the past about 16 years and several opportunities were provided to the appellant by this Court, this Court is not inclined to grant any further time which would not serve any purpose, thus the appeal kept pending for indefinite period.

5. Thus, C.M.S.A.No.38 of 2004 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Subordinate Judge,
Chidambaram.

2.The District Munsif,
Chidambaram.

CC: The Section Officer,
VR Section, Madras.

+lcc to M/s.Srinath Sridevan, Advocate SR.5594

C.M.S.A.No.38 of 2004 and
C.M.P.No.17425 of 2004

GP(CO)
CB(01/03/2021)

सत्यमेव जयते

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