



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

S.A.No.428 of 2009

K.Janarthanam

... Appellant/Appellant/1st plaintiff

Vs

1. Alaiyappa Naicker

... 1st Respondent/1st Respondent/Defendant

2. K.Parasuraman

... 2nd Respondent/2nd Respondent/2nd plaintiff

PRAYER : Second Appeal is filed under Section 100 of code of Civil Procedure against the Decree and Judgment made in A.S.No.1 of 2007 on the file of the Principal Sub Judge, Chengalpattu dated 26.09.2008, confirming the Decree and Judgement made in O.S.No.404 of 1996 on the file of the District Munsif-cum-Judicial Magistrate, Thirukalikundram dated 07.03.2003.

For Appellant : No Appearance

For Respondents : Mr.S.Ramesh for R1
Not ready in notice reg. R2

J U D G M E N T

On 12.07.2021, this Court had taken note of the fact that the junior counsel whose brief the above appeal and who has entered appearance and informed about the matter being listed. Mr.K.A.Ravindran had informed this Court by way of memo that he seeks to be discharged, since his junior Mr.Jayakundam despite being informed about the listing of the case, has not appeared on dates which this case has been listed and he is also not giving the bundle to Mr.Ravindran to make the submissions before this Court. Mr.Ravindran had expressed the embarrassment faced by him in this regard. The memo was taken on file and he was accordingly discharged. Today, the matter is listed under the caption "for dismissal". Once again, the said Mr.B.L.Jayakundam has not appeared before this Court, though his name is printed in the cause list.



2. In view of the above, this Second Appeal stands dismissed. This is a rather unfortunate case where a counsel who has accepted the brief does not deem it fit to appear before this Court and make his submissions. The counsel has displayed total apathy dealing with this case. Therefore, this Second Appeal is dismissed for default. No order as to costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1. The Principal Sub Judge,
Chengalpattu
2. The District Munsif-cum-Judicial Magistrate,
Thirukalikundram

Copy To:

The Section officer,
VR Section,
High Court of Madras.104

+1cc to Mr.S.Ramesh, Advocate, S.R.No.33246

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NRL (CO)
CT (06/08/2021)