

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.21 of 2011

and

M.P.No.1 of 2011

R. Gopalan

.. Appellant

Versus

1.V.M. Susila

2.V.R. Manickam

3.P. Murugesan

.. Respondents

Prayer: Civil Miscellaneous Second Appeal filed under Section 100 of the Code of Civil Procedure, against the judgment and decree passed in A.S.No.137 of 2008 dated 11.12.2009 on the file of Additional District Court, Gobichettipalayam (Fast Track Court No.II), confirming the judgment and decree passed in E.A.No.251 of 2002 in E.P.No.14 of 2002 in O.S.No.269 of 1999 dated 08.02.2008 on the file of Principal Sub Court, Gobichettipalayam.

For Appellant

: Ms. P.T. Ramadevi

For Respondents

: Batta due (N.A)

J U D G M E N T

The appeal was admitted by this Court on 20.04.2011 and notice was ordered to the respondents. On perusal of the case papers reveals that an interim stay was also granted by this Court. In spite of that the appellant has not taken any steps to serve notice to the respondents. Even batta has not been filed for the past about nine years. The appellant has not taken any steps to serve notice privately. Under these circumstances, it is to be construed that the appellant has not pursued the matter and the interim order is also in force for the past about nine years. Once an interim order is obtained, the appellant is expected to serve notice to the respondents

immediately. In the present case, even the batta has not been filed nor any proof of service is filed with reference to private notice.

2. Under these circumstances, this Court is not inclined to keep the appeal pending for an unspecified period and therefore the CMSA.No.21 of 2011, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Additional District Judge,
Fast Track Court No.II,
Gobichettipalayam.
2. The Principal Sub Judge,
Gobichettipalayam.

Copy to: The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.5829.

C.M.S.A.No.21 of 2011 and
M.P.No.1 of 2011

BR(CO)
CSR 17.03.2021