

In the High Court of Judicature at Madras

Dated: 15.03.2021

Coram

The Honourable Mr. Justice S.M.SUBRAMANIAM

C.M.S.A.No.35 of 2014

S.Shanmugavel ... Appellant/1stRespondent/Petitioner

Vs.

1.Gagan Chawla ...1st Respondent/2nd Respondent/1st Respondent

2.Kapil Arora

3.Karuna Arora

...2 & 3 Respondents/Appellants/Respondents 2 & 3

Prayer: This Civil Miscellaneous Second Appeal is filed under Section 75 of Provincial Insolvency Act, 1920 r/w. Section 100 of the Civil Procedure Code, against the order dated 11.12.2013 made in C.M.A.No.36 of 2013 on the file of the Principal District Court, Erode partly allowing the appeal by setting aside the order dated 30.01.2013 made in I.P.No.10 of 2009, on the file of the II Additional Sub-Court, Erode holding that the respondents 2 and 3 are not bona-fide purchasers.

For Appellant : Mr.V.P.Sengottuvel

Respondents : N.A.
Not Ready in Notice

JUDGMENT

The appeal was filed on 25.11.2014. This Court passed an order on 03.12.2014, ordering notice to the respondents and the appeal was admitted. Six years lapsed and till date, the appellant has not served notice to the respondents. The case papers reveals that the first respondent 'person not found',

the second respondent 'left' and third respondent 'tapal not yet returned either served or unserved'. In spite of these results, the appellant has not taken any steps to serve notice on the respondents so far as to adjudicate the matter. Under these circumstances, this Court is of the view that it is of no use in keeping the appeal pending any further. Accordingly, the Civil Miscellaneous Second Appeal stands dismissed. There shall be no orders as to costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

DP

To

- 1.The Principal District Judge,
The Principal District Court,
Erode.
- 2.The II Additional Sub-Court,
Erode.
- 3.The Record Keeper,
V.R. Section,
High Court, Madras.

+1cc to Mr.V.P.Sengottuvel, Advocate SR.No.17014

C.M.S.A.No.35 of 2014

BR(CO)
GMY(23/06/2021)

WEB COPY