



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE **RMT. TEEKA RAMAN**

**S.A (MD) No.1122 of 2009**

**and**

**C.M.P(MD) No.1135 of 2020**

M.P.Ramasamy

...Appellant/Appellant/Defendent

Vs.

S.Charles Chandrasekar,  
Rep. by its Power Agent,  
Ms.Alphonsa Royan,  
W/o. Lovelyn Royan,  
Veerapandianpattinam,  
Thiruchendur Taluk.

... Respondent/Respondent/Plaintiff

**PRAYER:** Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against the Judgment and Decree dated 30.04.2009 in A.S.No.45 of 2005 on the file of the Sub Court, Tuticorin, confirming the judgment and decree dated 06.10.2004 passed in O.S.No.224 of 2003 on the file of the Additional District Munsif, Tuticorin.

For Appellant : No appearance  
For Respondent : Ms.P.Jessi Jeeva Priya

### **JUDGMENT**

Today, when the matter was taken up for hearing, there is no representation for the appellant, though his name has been printed in the cause list and called absent.

2.The learned counsel appearing for the respondent submitted that CMP(MD)No.1135 of 2020 is filed by the respondent/plaintiff directing the appellant in the second appeal to comply with the order passed, at the time of admission.

3.The respondent/plaintiff filed a suit in O.S.No.224 of 2003 on the file of the Additional District Munsif, Thoothukudi, for return of the document, which is in the nature of agreement to sell the property, under which, the land owner has handed over the original document to the agreement holder, namely, the defendant. The suit was decreed and the appeal was dismissed and hence, the Second Appeal by the defendant.



4. From the records, it is seen that at the time of admission, there is a specific direction to the appellant to deposit the document before the trial Court.

5. Learned Counsel for the respondent herein submitted that *de hors* after the order passed by this Court, the appellant has not deposited the original document, as directed by this Court, however, he filed only the certified Xerox copy before the Execution Court, resulting in closure of the E.P.

5. Since there is no representation for the appellant, this Second Appeal is dismissed for default. The civil miscellaneous petition for directing the respondent to produce the original document, is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

To

1. The Subordinate Judge, Tuticorin.

2. The Additional District Munsif, Tuticorin

3. The Record Clerk, (2 copies)

Vernacular Section

Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate ( SR-11974[F] dated 17/03/2020 )

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and**

**C.M.P (MD) No.1135 of 2020  
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