



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

S.A.(MD)No.650 of 2010

and M.P.(MD)No.1 of 2010

and C.M.P.(MD)No.1813 of 2021

WEB COPY

1.Balasubramaniam

2.Karthikeyan

3.Meenakshi Sundaram

... Appellants/Appellants/Defendants  
Vs.

Venkatesan

... Respondent/Respondent/Plaintiff

**PRAYER:** Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 09.03.2010 made in A.S.No.21 of 2009 on the file of the Additional District Judge cum Fast Track Court, Dindigul confirming the judgment and decree dated 12.06.2009 made in O.S.No.279 of 2005 on the file of the Principal Subordinate Judge, Dindigul.

For Appellants : Mr.N.Pragalathan

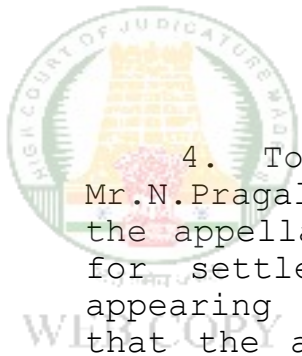
For Respondent : Mr.M.Saravanan

### JUDGMENT

It is represented by the learned counsel appearing for the respondent's counsel that in this matter, through the process of the Court, the sale deed was registered in favour of the respondent, through the execution petition. Despite such position, this Court, while admitting this Second Appeal, has requested the respondent's counsel to settle the matter amicably. At that stage, the learned counsel appearing for the respondent agreed to go for settlement.

2. When this Second Appeal was admitted by this Court after hearing the parties, it appears that now the appellants, taking advantage of the suggestion given by this Court to the learned counsel appearing for the respondent to settle the matter, took a U-turn and in fact, they have shown disrespect even to the Counsel who got the Second Appeal admitted. As a result, Mr.N.Dilip Kumar, learned counsel, originally appearing for the appellants, has already filed a Memo for withdrawing his appearance on behalf of the appellants. It is his contention that he has already informed the appellants that since they are taking contra stand, he will not appear before this Court for them.

3. The said memo dated 27.03.2021, filed by Mr.N.Dilip Kumar, learned counsel originally appearing for the appellants, is taken on record.



4. Today, when the matter is taken up for hearing, one Mr.N.Pragalathan, learned counsel entered appearance on behalf of the appellants and seeks time. This matter was posted today either for settlement or for argument, but the learned new counsel appearing for the appellants seeks time. It makes it very clear that the appellants are adopting the tactics to avoid the appeal before this Court. Such conduct is nothing, but motivated highly deprecated.

5. As the appellants are not ready, this Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional District Judge cum Fast Track Court, Dindigul.

2.The Principal Subordinate Judge, Dindigul.

3.The Section Officer, (2C)  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.N.C.ASHOK KUMAR, Advocate ( SR-14439[F] dated 30/03/2021

+1 CC to M/s.N.PRAGALATHAN, Advocate ( SR-14757[F] dated 31/03/2021 )  
S.A. (MD)No.650 of 2010 and M.P. (MD)No.1 of 2010  
and C.M.P. (MD)No.1813 of 2021  
29.03.2021

KMK (CO)  
KB(20.04.2021) 2P 7C