



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

C.M.P. (MD) No.11182 of 2018
in
S.A. (MD) No.SR42011 of 2018
and
S.A. (MD) No.SR42011 of 2018

Singaraj :Petitioner/Appellant in both cases

vs.

1.M.Perumal
2.Palusamy
3.Chinnasamy
4.Subbiah

:Respondents / Respondents in both cases

PRAYER: Civil Miscellaneous Petition filed under Order 41 Rule 3A r/w Order 41 Rule 1 and 2 of Code of Civil Procedure, 1908, to condone the delay of 572 days in preferring the second appeal against the judgment and decree passed by the learned Subordinate Judge, Uthamapalayam in A.S.No.3 of 2015, dated 08.12.2016, confirming the preliminary decree and judgment passed by the learned District Munsif-cum-Judicial Magistrate, Bodinayakkanur in O.S.No.18 of 2008, dated 19.12.2013.

PRAYER: Second Appeal filed under Section 100 of Code of Civil Procedure, 1908, to set aside the judgment and decree passed by the learned Subordinate Judge, Uthamapalayam in A.S.No.3 of 2015, dated 08.12.2016, confirming the preliminary decree and judgment passed by the learned District Munsif-cum-Judicial Magistrate, Bodinayakkanur in O.S.No.18 of 2008, dated 19.12.2013.

For Petitioner/Appellant : No Appearance
For Respondents / Respondents : No Appearance

ORDER



representation for them. Notice sent to the first respondent is returned with an endorsement "unclaimed". Similarly, notice sent to the fourth respondent is returned with an endorsement, "left".

2. When the matter was listed earlier on 03.07.2019, there was no representation for the petitioner. Hence, the Registry was directed to post the matter today (ie., 04.07.2019) under the caption "for dismissal".

3. Even, today, there is no representation for the petitioner, despite the fact that the matter is posted under the caption "for dismissal". Hence, this Court has no other option, but to dismiss this petition for non-prosecution. Accordingly, this Civil Miscellaneous Petition is dismissed for non-prosecution and the second appeal is rejected at SR stage.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Munsif-cum-Judicial Magistrate,
Bodinayakkanur.

C.M.P. (MD) No. 11182 of 2018
in
S.A. (MD) No. SR42011 of 2018
and
S.A. (MD) No. SR42011 of 2018
04.07.2019

cmr

AE/ (23.07.2019) 2P 2C