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A.S.No.39 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N. MALA

A.S.No.39 of 2011

W.Joseph Sagayanathan

... Appellant

Vs.

1.S.V.Srinivasa Prakash

2.A.Thiagarajan

3.P.Karthikeyan

... Respondents

Prayer : Appeal Suit filed under Section 96 read with Order XLI, XLI A of Code of Civil Procedure against the judgment and decree dated 10.07.2009 in O.S.No.466 of 2006 on the file of the I Additional District Court, Coimbatore.

For Appellant : Mr.R.Gopinath
for M/s.McGan Law Firm

For R3 : Mr.C.Kasirajan



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J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

When the matter was listed on 01.11.2022, the learned counsel for the appellant sought an adjournment and hence, the matter was adjourned by two weeks. Thereafter, when the matter was listed on 15.11.2022, there was no representation for the appellant. Therefore, this Court directed the Registry to list the matter under the caption “for dismissal” today.

2.However, today, the learned counsel appearing for the appellant, without any valid explanation, seeks adjournment. Except the pleadings set, the learned counsel has not even taken steps to prepare the documents set either by Court or by himself.

3.The suit is for specific performance and the above appeal is by the plaintiff as against the judgment and decree dismissing the suit for specific performance. This Court is of the view that the appellant seeks time without any cause. Hence, this Court is unable to adjourn the matter any further.



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WEB COPY 4. Therefore, this appeal is dismissed for non-prosecution. No costs.

However, the appellant is permitted to file a petition explaining the situation to get this order set aside.

(S.S.S.R., J.) (N.M., J.)
16.11.2022

mkn

Internet : Yes

Index : Yes / No

To

The I Additional District Judge,
Coimbatore.



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