



A.S.No.355 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N. MALA

A.S.No.355 of 2015

and

M.P.No.1 of 2015

Anthoniraj

... Appellant

Vs.

1.Amalorpava Loorthumary

2.Arokiyamary

3.Matharasu Ammal

... Respondents

Prayer : Appeal Suit filed under Order XLI Rule 1 read with Section 96 of Code of Civil Procedure against the judgment and decree dated 11.03.2015 in O.S.No.51 of 2014 on the file of the Principal District Court, Cuddalore.

For Appellant : No appearance



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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 27.09.2022, the counsel appearing for the appellant reported that she had given change of vakalat. Hence, the statement of the then counsel on record was taken as one reporting “no instructions” and the Registry was directed to issue notice to the appellant returnable in two weeks and to print the name of the appellant in the cause list. When the matter was again listed on 11.10.2022, though the name of the appellant was printed in the cause list, there was no representation for the appellant. Therefore, the matter was directed to be listed on 27.10.2022 under the caption “for dismissal”.

2.It is now informed by the Registry that the notice sent to the appellant was served on 12.10.2022. Despite the matter being listed under the caption “for dismissal” today and the name of the appellant being printed in the cause list, there is no representation on behalf of the appellant. In view of the fact that the counsel has already reported no instructions and



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the appellant has not appeared despite receipt of notice, this Court has no other option except to dismiss the appeal for non-prosecution.

3.Accordingly, this appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.M., J.)
27.10.2022

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Internet : Yes

Index : Yes / No

To

The Principal District Judge,
Cuddalore.



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and
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