



*A.S.No.973 of 2004
and Cros.Obj.No.14 of 2005*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

A.S.No.973 of 2004
and Cros.Obj.No.14 of 2005

In A.S.No.973 of 2004 :

1. R.Venkatesh (Deceased)
2. Sarojini .. Appellants

Versus

1. Minor Priyadarshani
D/o.Venkatesh,
Rep. by her natural guardian and next friend mother,
Sarada
2. The Manager,
Indian Overseas Bank,
Peelamedu, Coimbatore - 641 004.
3. The Proprietor, Regency Tailor,
1432 (Ground Floor),
Avanashi Road, Peelamedu,
Coimbatore - 641 004.
4. Murali
5. Rajesh
6. Proprietor, Institute of Mathematics,



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1432 (First Floor),
Avanashi Road, Peelamedu,
Coimbatore - 641 004.

7. Proprietor, C.S.C.Centre,
1432 (Second Floor),
Avanashi Road, Peelamedu,
Coimbatore - 641 004.

8. Saradha .. Respondents

(R1 recorded as LR of deceased sole appellant
and second appellant and R8 brought on record
as LRs of deceased sole appellant vide order
of Court, dated 09.02.2012 made in C.M.P.No.134 of 2012)

AND

In Cros.Obj.No.14 of 2005 :

The Manager,
Indian Overseas Bank,
Peelamedu,
Coimbatore - 641 004.

.. Cross Objector

Versus

1. R.Venkatesh (Deceased)
2. Minor Priyadarshani
D/o.Venkatesh,
Rep. by her natural guardian and next friend mother,
Sarada
3. The Proprietor,
Regency Tailor,
1432 (Ground Floor),



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Avanashi Road, Peelamedu,
Coimbatore - 641 004.

4. Murali
5. Rajesh

6. Proprietor,
Institute of Mathematics,
1432 (First Floor),
Avanashi Road, Peelamedu,
Coimbatore - 641 004.

7. Proprietor, C.S.C. Centre,
1432 (Second Floor),
Avanashi Road, Peelamedu,
Coimbatore - 641 004.

8. Sarada
9. Sarojini

.. Respondents

(Respondents 8 and 9 brought on record as
LRs of deceased R1 vide order of Court,
dated 09.02.2012 made in C.M.P.Nos.104 and 105 of 2012)

Prayer in A.S.No.973 of 2004 : Appeal Suit filed under Section 96 of Civil Procedure Code against the judgment and decree of the Additional District Judge's Court (Fast Track Court No.I) at Coimbatore, dated 21.04.2004 in O.S.No.62 of 2003.

Prayer in Cros.Obj.No.14 of 2005 : Cross-Objection filed under Order 41 R (1) of Civil Procedure Code against the regular Appeal in A.S.No.973 of 2004 pending on the file of this Court and filed against the judgment and



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decree passed by the learned Additional District Judge (First Fast Track Court, Coimbatore) and made in O.S.No.62 of 2003, dated 21.04.2004 challenging against the decree and judgment in favour of the second respondent/1st respondent/plaintiff.

In A.S.No.973 of 2004

For Appellants : No Appearance

For Respondents : M/s.Sunanda Suren, for R2
M/s.T.L.Thirumalaisamy, for RR-3, 4 and 7

In Cros.Obj.No.14 of 2005

For Cross-Objector : M/s.Sunanda Suren

For Respondents : No Appearance for R1
M/s.T.L.Thirumalaisamy, for RR-3, 4 and 7

COMMON JUDGMENT

This Appeal Suit in A.S.No.973 of 2004 is filed against the judgment and decree of the Additional District Judge's Court (Fast Track Court No.I) at Coimbatore, dated 21.04.2004 in O.S.No.62 of 2003.

2. This Cross-objection is filed against the regular appeal in A.S.No.973 of 2004 pending on the file of this Court and filed against the



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judgment and decree passed by the learned Additional District Judge (First Fast Court Track Court, Coimbatore) and made in O.S.No.62 of 2003, dated 21.04.2004 challenging against the decree and judgment in favour of the second respondent/first respondent/plaintiff.

3. Today, these matters are listed under the caption "for dismissal".

4. On the last occasion, this Court passed the following order:-

"This Appeal Suit is of the year 2004. It is seen that when this matter came up for hearing on 01.03.2022, the learned Counsel for the Appellants had submitted that he has given change of vakalat in the year 2008 itself, and the same was recorded. Thereafter, the matter has been posted for the appearance of the appellants on 03.03.2022. But, there was no representation for the appellants on the said date of hearing, however, notices were issued to the respondents. Thereafter, the matter came up for hearing on 24.03.2022, there was no representation for the appellants and the matter was adjourned for two weeks.

3.Today, when the matter came up for hearing, there was no representation for the appellants. It is seen that the deceased, first appellant name alone was printed in the cause list. Therefore, Office is directed to print the name of all the appellants by removing the name



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of the Counsel already on record for the appellants.

4.Post the matter under the caption 'for dismissal' on 04.11.2022."

5. Despite of the above order, there is no appearance for the appellants.

6. Therefore, this Appeal Suit in A.S.No.973 of 2004 and Cross-objection in Cros.Obj.No.14 of 2005 are dismissed for non-prosecution.

04.11.2022

Index : yes/no
Speaking order/Non-speaking order
grs

To

The Additional District Judge's Court,
(Fast Track Court No.I) at Coimbatore.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

Pre-Delivery Judgment in

**A.S.No.973 of 2004
and Cros.Obj.No.14 of 2005**

04.11.2022