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Appeal Suit No.604 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Appeal Suit No.604 of 2011
and
CMP.No.2192 of 2017,
MP.No.1 of 2011 & 1 of 2012

K.M.Gopakumar

... Appellant

Versus

- 1.Padmavathy Bai (Died)
- 2.G.Sankar Rao
- 3.G.Ramamoorthy Rao (Died)
- 4.G.Nagarja Rao
- 5.S.Gopi Bai
- 6.G.Narayana Rao

[R2 to R6 brought into record as Lrs of the deceased 1st respondent viz., Padmavathy Bai, Vide Court order dated 18.02.2022 made in CMP.No.2065 of 2019]

7.R.Jayanthi Bai

8.R.Premkumar

... Respondents

[R7 and R8 brought on record as Lrs of the deceased 3rd respondent viz., G.Ramamoorthy Rao, Vide Court order dated 14.06.2022 made in CMP.No.5293 of 2022]

Appeal Suit is filed under Order XLI Rule 1 read with Section 96 of the Code of Civil Procedure, against the Judgment and Decree dated 19.09.2011 in O.S.No.12608 of 2010, on the file of the Additional District & Sessions Judge, Fast Track Court - V , Chennai.



Appeal Suit No.604 of 2011

For Appellant : No Appearance

For Respondents : Mr. K.P.Sathish Kumar,
(for R2, 4 to 8)

JUDGMENT

It is seen from the docket orders that this case originally came up before this Court on 16.09.2022. On the said date, it was represented by both sides learned Counsel that settlement talks are going on and requested for an adjournment to report about the settlement, and the matter was directed to be listed on 27.09.2022.

2. Thereafter the matter came up for hearing on 30.09.2022, on that day, at the request of both sides' learned Counsel, the matter was adjourned on 14.10.2022. Again the matter was directed to be listed on 25.11.2022 at Chambers for reporting settlement on 14.11.2022, and thereafter, the matter was taken up for hearing in the Chambers, both sides learned Counsel represented that a Draft Compromise Memo is being circulated between the parties and to finalise the same, requested for an adjournment of the case on 25.11.2022. Accordingly, the matter was posted on

<https://www.mhc.tn.gov.in/judis> 25.11.2022 for reporting settlement.



Appeal Suit No.604 of 2011

WEB COPY

3. On 25.11.2022, the learned Counsel for the appellant submitted that there are no instructions. The learned Counsel for the respondent has submitted that the appellant did not make the Cheque/Demand Draft ready for the amount as undertaken by them. In that view of that the matter was posted on 29.11.2022.

4. Again on 29.11.2022, there was no representation on behalf of the appellant, therefore, the matter was posted today, under the caption for dismissal. Being the case listed under the caption for dismissal, the appellant is absent and no other counsel appears on behalf of the appellant. Therefore, the Appeal Suit is dismissed for default. No costs. Consequently, the connected miscellaneous petitions are closed.

30.11.2022

Index : yes
Speaking order

klt

To

1. The Additional District & Sessions Judge,
Fast Track Court - V , Chennai.

2. The Section officer, Original side, High Court of Madras.



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Appeal Suit No.604 of 2011

D.BHARATHA CHAKRAVARTHY, J.

klt

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30.11.2022