



WEB COPY



Appeal Suit No.326 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Appeal Suit No.326 of 2010

T.Sivashankaran

... Appellant

Versus

1.Kamatchiammal

2.Komala

3.T.Rajendran

4.Mrs.Nirmala

... Respondents

Appeal Suit is filed under Section 96 and Order XLI (a) of the Code of Civil Procedure, to set aside the Judgment and Decree dated 10.11.2006, passed in O.S.No.751 of 2004, on the file of the Additional District Judge (Fast Track Court – III), Poonamallee.

For Appellant : No Appearance

For Respondents : Mr.V.R.Appaswamee, (for R1 &R2)
: Mr.P.Chandrasekar, (for R3)
: Mr. Srinath Sridevan, (for R4)

JUDGMENT

It is seen from the records that when this Appeal Suit was listed for hearing on 14.07.2021, the learned Counsel for the appellant had reported



Appeal Suit No.326 of 2010

no instructions and thereafter, the Registry was directed to serve notice to the appellant, and the Registry was also directed to print the name of the appellant in the cause list and the matter was directed to be listed after four weeks.

2.Even though more than one year has elapsed since the said order, no other learned Counsel entered appearance on behalf of the appellant. The name of the appellant has also been printed in the cause list.

3.It is also brought to the notice of this Court by the learned Counsel for the respondent that the connected Appeal Suit in A.S.No.146 of 2007, filed by the first defendant/T.Rajendren was already dismissed for non-prosecution by order dated 29.08.2016.

4.Even today, there is no representation on behalf of the appellant. Therefore, the Appeal Suit is dismissed for non-prosecution. No costs.

08.11.2022

Index : Yes/No
Speaking /Non-Speaking order

klt

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Appeal Suit No.326 of 2010

To

- 1.The Additional District Judge (Fast Track Court – III), Poonamallee.
- 2.The Section Officer, V.R. Section, High Court of Madras.



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Appeal Suit No.326 of 2010

D.BHARATHA CHAKRAVARTHY, J.

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A.S.No.326 of 2010

08.11.2022