



WEB COPY



A.S.No.279 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N. MALA

A.S.No.279 of 2014

and

M.P.Nos.1 & 2 of 2014

Ragunathan

... Appellant

Vs.

1.Nalini

2.Viswanathan

... Respondents

Prayer : Appeal Suit filed under Section 96 read with Order XLI Rules (1) & (2) of Code of Civil Procedure against the judgment and decree dated 30.06.2011 in O.S.No.90 of 2010 on the file of the Additional District Court, Salem (Fast Track Court No.I, Salem).

For Appellant : Mr.R.Thiagarajan

R1 : Died

For R2 : Mr.S.Kalyanaraman



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J U D G M E N T

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

Learned counsel appearing for the appellant has filed a memo, dated 08.11.2022, stating that the counsel is unable to contact the appellant. He has also stated in the memo that, two notices on 21.09.2022 and 28.10.2022 sent to the appellant asking him to contact the counsel had returned with an endorsement “left”. The returned envelopes are also enclosed with the memo. Since the learned counsel appearing for the appellant was unable to contact his client, he has reported “no instructions”.

2. When the appeal was earlier listed on 08.11.2022, the Registry was directed to post the matter under the caption “for dismissal” today, as there was no representation for the appellant earlier. Having regard to the facts stated in the memo, this Court is of the view that it will be futile to issue notice to the appellant once again through this Court. This appeal is liable to be dismissed for non-prosecution.



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WEB COPY 3. Accordingly, this appeal is dismissed for non-prosecution. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.M., J.)
14.11.2022

mkn

Internet : Yes

Index : Yes / No

To

1. The Additional District Judge,
(Fast Track Court No.I),
Salem.

2. The Section Officer,
VR Section, High Court,
Chennai.



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and
N. MALA, J.

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