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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

S.A.No. 303 of 2014

Ponnu

.... Appellant/Plaintiff

Vs

Abdul Raheem

.... Respondent/Defendant

PRAYER: Second Appeal filed under Section 100 of C.P.C., to set aside the Judgment and Decree dated 18.09.2013 in A.S.No.26 of 2013 on the file of the Subordinate Judge, Nilgiris at Uthagamandalam confirming the Judgment and Decree in O.S.No.117 of 2009 dated 28.02.2013 on the file of the District Munsif at Coonoor.

For Appellant : Mr. Srinath Sridevan

JUDGMENT

When the matter was taken up for hearing on 23.03.2022, this Court passed the following order :-

"Pursuant to the order passed by this Court on 23.02.2022, notice was once again taken on the respondent and the private notice sent to the respondent has been returned with an endorsement "Unclaimed". An affidavit of service has also been filed in Sr.No.8665 of 2022. The notice that was sent through Court still awaits service.

2. In view of the above, the learned counsel for the appellant is permitted to serve notice on the respondent through substituted service. The paper publication shall be effected in Maalai Malar, Nilgiris edition, on or before 04.04.2022. The notice shall be returnable by 11.04.2022.

3. Post this case under the caption "For Filing Affidavit of Service" on 11.04.2022. The Registry is directed to print the name of Mr.Srinath Sridevan as the learned counsel for appellant."



2. Thereafter, the matter was taken up for hearing on 11.04.2022 and this Court passed the following order :-

"The learned counsel for the appellant submitted that the earlier order passed by this Court on 23.03.2022 was not able to be complied with since the appellant is yet to respond to the letter sent by the counsel. The learned counsel therefore sought for some more time.

2. Post this case under the caption for 'passing further orders' on 18.04.2022."

3. When the matter was taken up for hearing today, the learned counsel for the appellant submitted that two letters were sent to the appellant through registered post on 25.03.2022 and 11.04.2022. Both the letters were received by the appellant and till date there has been no response from the appellant. To substantiate the submission, the letters and the acknowledgment for the receipt of the registered letters have also been filed by way of track consignment. The learned counsel for the appellant have tried their best to keep in touch with the appellant. In spite of the same, there has been no response from the appellant and as a result, the learned counsel for the appellant is not in a position to take substituted service on the respondent.

4. In view of the above, no instructions is recorded and the second appeal is closed. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

Lpp

To

1.The Subordinate Judge,
Nilgiris at Uthagamandalam.

2.The District Munsif, Coonoor.



Copy To

The Section Officer,
VR Section,
High Court, Madras.

WEB COPY

+1cc to Mr.Srinath Sridevan, Advocate SR.No.26613

S.A.No.303 of 2014

NMI (CO)
GMY (04/05/2022)