

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CMP.No.27551/2019 in SA.SR.No.108267/2019
and SA.SR.No.108267/2019

1.S.Gunasekar
2.S.Kalaivanan
3.V.Ushadevi

.. Petitioners /
Appellants

Vs.

1.Uma K.Ramanathan
2.Vijeya Vaidyanathan
3.Sarvothaman
4.J.Ashok Kumar
5.J.Sarojdevi
6.J.Vinod Kumar

.. Respondents

Prayer in CMP.No.27551/2019:- Petition filed under Section 41 Rule 3(A) r/w Order 42 Rule 1 of CPC condone the delay of 76 days in filing the above Second appeal.

Prayer in SA.SR.No.108267/2019:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree 30.11.2018 passed by the VI Additional City Civil Court, Chennai in A.S.No.22 of 2017 and confirming the judgment and decree dated 25.07.2013 in O.S.No.30 of 2012 on the file of XII Asst. City Civil Court, Chennai.

For Petitioners /
Appellants : No appearance

ORDER/JUDGMENT

- (1) This Court is informed that Mr.T.Velumani, the counsel on record for the petitioners is no more. Though two other counsels have also filed Vakalat along with Mr.T.Velumani, the other counsels were also called absent on 07.04.2022. Hence, this Court directed the Registry to issue notice to the petitioners/appellants indicating that the Civil Miscellaneous Petition to condone the delay will be listed

on 28.04.2022.

- (2) Notice sent to the petitioners is returned with an endorsement 'vacated'. In the such circumstances, this Court is not inclined to keep the matter pending as no purpose is going to be served.
- (3) Hence, this petition is dismissed for non prosecution. Consequently, the Second Appeal is rejected at the SR Stage.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

cda

To

- 1.The VI Additional City Civil Court, Chennai.
- 2.The XII Asst. City Civil Court, Chennai.
- 3.The SAR, Main AE Section
High Court, Madras.
- 4.The Section Officer
VR Section, High Court
Chennai.

CMP.No.27551 of 2019
in SA.SR.No.108267 of 2019

SKM(CO)
SB(16/06/2022)