



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.07.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.211 of 2008

V.Balakrishnan :Appellant/Ist Defendant

.VS.

1.Muthumuniyandi :Respondent/Plaintiff

2.Minor B.Madhu Priya

3.Minor Lathika :Respondents/Defendants 2 and 3

(Cause-title amended as per order of this Court made in C.M.P(MD)No.6043 of 2019 in A.S(MD)No.211 of 2008, dated 22.7.2000)

PRAYER: First Appeal filed under Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.5 of 2007, dated 7.12.2007, on the file of Additional District Judge(Fast Track Court),Virudhunagar.

For Appellant :No appearance

For Respondents :No appearance

JUDGMENT

In the previous hearing date ie., on 28.06.2022, it is reported



WEB COPY

that the first respondent in this appeal died. Despite sufficient opportunity being given, no steps having been taken for the deceased first respondent and hence, the appeal suit is dismissed as abated in respect of the first respondent and the matter was directed to be listed today under the caption "for arguments".

2.Today, when the matter is taken up for hearing, there is no appearance on behalf of the appellant either in person or through counsel. There is no representation on behalf of the respondents. This shows that the appellant is not interested in prosecuting the appeal suit further. Therefore, this Court has no other option except to dismiss the appeal suit for non-prosecution.

3.Accordingly, the First Appeal is dismissed for non-prosecution. No costs.

18.07.2022

Index:Yes/No

Internet:Yes/No

vsn



To

WEB COPY

1. The Additional District Judge,
Fast Track Court,
Virudhunagar.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



P.VELMURUGAN.,J.

vsn

JUDGMENT MADE IN
A.S(MD)No.211 of 2008

18.07.2022