



A.S(MD)No.130 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S (MD)No.130 of 2013

S.B.Sheik Abdul Gani

... Appellant

Vs.

1.Alam Batcha @ A.T.Batsha

2.Sahira Banu

3.Abdul Jabbar

4.Abdulla Sha

5.Badusha

...Respondents

PRAYER: Appeal Suit filed under Section 96 r/w Order 41, rule 1 & 2 of the Civil Procedure Code, to set aside the judgment and decree dated 11.03.2013 made in O.S.No.37 of 2011 on the file of the III Additional District (Fast Track Court No.I), Tirunelveli and decreed the suit with cost by allowing the appeal.



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For Appellant : Mr.A.Arumugam

For Respondents : Mr.D.Nallathambi

J U D G M E N T

When the matter came up for hearing on 20.07.2022, on the request made by learned counsel appearing for the appellant, the appeal was directed to be listed today i.e., on 20.07.2022 with an endorsement that 'No further time will be given or otherwise the appeal shall stand dismissed automatically, without further reference to this Court on the ground of non prosecution'. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant seeks adjournment, this Court is not inclined to adjourn the matter. This shows that the appellant is not interested in prosecuting the appeal. Hence, this Court has no other option except to dismiss the appeal for non-prosecution.



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2. Accordingly, the Appeal Suit is dismissed for non-prosecution.

No costs.

20.07.2022

Index : Yes / No

Speaking Order : Yes / No

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To

1. The III Additional District ,
(Fast Track Court No.I),
Tirunelveli.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

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