



A.S(MD)No.268 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.268 of 2008

Nagappa Chettiar

... Appellant

vs.

Muthuraman Chettiar

1. Rajamaniyatchi
2. Saraswathi Achi
3. Meenakshi Achi
4. Muthupalaniappa Chettiar
5. N.M.Chinnadurai
6. Senthilnathan
7. Palaniyappan
8. Alagumuthukaruppa @ Jothi
9. Vairathal
10. Raj Pradeep
11. Predeep Kumaran
12. N.M.Singaram Chettiar

... Respondents



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Appeal Suit filed under Section 96 of the Code of Civil Procedure, against the judgment and decree dated 06.09.2007 made in O.S.No.19 of 2004 on the file of the Principal District Judge, Pudukkottai.

For Appellant : Mr.T.Lajapathi Roy
For R2 to R4 & R9 to R12 : No appearance

JUDGMENT

By an order dated 04.07.2018, the appeal was already dismissed in respect of the respondents 1 and 5 to 8 for not filing the batta with foreign envelope affixed with sufficient stamp. To restore the appeal as against those respondents, there was a delay of 326 days in filing the restoration petition and to condone such delay, CMP(MD)No. 7029 of 2019 was filed and it was dismissed for default on 19.07.2022, since batta was not filed in that petition. Thereafter, on 29.07.2022, when the appeal came up for hearing, at the request of the learned counsel for the appellant, it was adjourned to 04.08.2022. Even today, the learned counsel for the appellant sought for an adjournment. It appears that the appellant is not interested in prosecuting the appeal.



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2. Hence, the Appeal Suit is dismissed for non prosecution. No costs.

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04.08.2022

Index : Yes / No

Internet : Yes

To

The Principal District Judge,
Pudukkottai.



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P.VELMURUGAN, J.

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JUDGMENT MADE IN
A.S(MD)No.268 of 2008
DATED : 04.08.2022