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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.242 of 2009

V.Devaki

:Appellant/Plaintiff

.VS.

P.Nathan

:Respondent/Defendant

PRAYER: First Appeal filed under Section 96 r/w Order 41 of Civil Procedure Code against the judgment and decree made in O.S.No. 126 of 2007, dated 30.09.2009, on the file of Additional District Judge-cum-Sessions Judge, Fast Track Court No.I, Thanjavur.

For Appellant

:No appearance

For Respondent

:No appearance

JUDGMENT

In the earlier occasion, the learned counsel on record for the appellant filed a memo reporting no instructions and hence the name of the learned counsel on record for the appellant is removed from the cause-list and the name of the appellant is printed. Since there is no appearance on behalf of the appellant, this Court had



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directed the Registry to issue notice to the appellant and the matter is adjourned to 28.07.2022(today) under the caption "for appearance of the appellant or for dismissal". Notice sent to the appellant returned with an endorsement as "appellant vacated House five years before and residing in Thanjavur". If at all, the appellant is interested in prosecuting the appeal suit, he would have approached this Court either in person or through counsel. Moreover, the learned counsel for the respondent has also filed a memo stating "no instructions"for the respondent and further states that notice sent by him to the respondent returned as "left". Hence Registry is directed to remove the name of the learned counsel from the cause-list. This shows that the appellant is not interested in prosecuting the appeal suit further. Hence, this Court has no other option except to dismiss the appeal suit for non-prosecution.

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

28.07.2022

Index:Yes/No

Internet:Yes/No

vsn



To

1. The Additional District Judge-cum-Sessions Judge,
Fast Track Court No.I,
Thanjavur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN.,J.

vsn

JUDGMENT MADE IN
A.S(MD)No.242 of 2009

28.07.2022