



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MAI
(Civil Appellate Jurisdiction)



Wednesday, the Fourteenth day of June Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CROS.OBJ(MD) . No.21 of 2006
in
AS(MD) No.77 of 2006

1 S.R.CHANDRAMOHAN

2 S.C.RANJANI ... Respondents 5 and 11/ Cross Objector

Vs

1 S.R.SURIYAMOHAN

2 S.R.KRISHNAMOORTHY

3 S.R.SUBRAMANIAN

4 S.R.MADHANMOHAN

5 S.R.SARATHCHANDRAN

6 SRIMATHI R.K.KRISHNAVENI

7 SRIMATHI S.S.BRINDHA

8 SRIMATHI SUGANYA

9 S.M.MEKALA

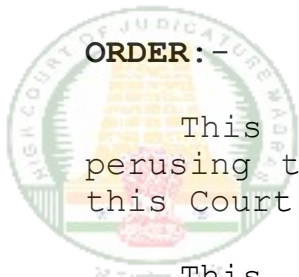
10 S.S.MEERA ... Respondents 1 to 4 and 6 to 10/Respondents
2 to 10.

Prayer in Cross.Obj(md)no.21 of 2006 :-

This Cross objection is filed under order 41 Rule 22 r/w section 96 of cpc., against the judgment and decree passed in OS No.252 of 2004 dated 25/07/2005 on the file of Additional District and Sessions Court(FTC No.3)Madurai.

Prayer in AS(MD) No.77 of 2006:-

This Appeal Suit is filed under section 96 of CPC., to set aside the judgment and decree passed in OS No.252 of 2004 dated 25.7.2005 on the file of Additional District and Sessions Judge, (fast Track Court No.III), Madurai.



ORDER:-



This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof, this Court made the following order:

This Court by judgment dated 28.06.2022 directed the trial Court to initiate *suo motu* final decree proceedings and appoint an Advocate Commissioner and proceed with the final decree proceedings in accordance with law and complete the same within a period of three months from the date of receipt of a copy of that judgment.

2. Pursuant to the said order, the trial Court sent notice to the learned respective counsel on both sides as well as the parties about the final decree proceedings. Despite notice is served, none appeared on behalf of the parties either in person or through counsel. Notice sent to the learned counsel for both sides returned with an endorsement 'left' and 'not known'. The postal cover sent to the defendants 1 to 5 and 7 to 11 returned with an endorsement 'no such address'. The notice sent to 10th defendant returned as 'await' and the notice sent to the sixth respondent returned as 'died'.

3. Thereafter, another notice was ordered on 06.02.2023. The notice sent through Court to the defendants 3 and 7 returned as 'died' and 'no proper address'. The notice sent to the learned counsel for the plaintiff was served. Hence, the learned counsel for the plaintiff was directed to take steps for the deceased defendants 3, 6 and 7. But, he had appeared on the next date of hearing.

4. I have perused the letter sent by the trial Court, dated 21.03.2023. The same clearly indicates that the parties are not interested in pursuing the final decree, despite notice is served. In such view of the matter, let the parties approach the Court and file a proper application. When such application is filed, then the trial Court shall proceed with the final decree proceedings in accordance with law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2023

Sub Assistant Registrar (CS)



TO

The Additional District and Sessions Court (FTC No.3)

Madurai.

WEB COPY



ORDER DATED : 14/06/2023

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ORDER

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CROS.OBJ(MD). No.21 of 2006

in

AS(MD) No.77 of 2006

Giving direction and etc.

as stated within.

KB(05.07.2023) 3P 2C