



WEB COPY



A.S.No.416 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HON'BLE MR. JUSTICE **G.ARUL MURUGAN**

A.S.No.416 of 2000 and
C.M.P.No.18288 of 2000

G.Ramadoss

... Appellant

Vs.

1.M/s.Fidelity Finance Ltd,
Rep. By Assistant Manager (Legal),
N.K.Vanan.
16-F, Whites Road,
Royapettah, Chennai – 14.

2.Maruthi Electronics
Proprietor Mr.Anand Sai,
16, Palaniyandavar Kovil Street,
Vadapalani, Chennai – 26.

3.Bank of Baroda,
Rep by its Chief Manager S.S.Vasan,
Ambattur Branch.

... Respondents

PRAYER: Appeal Suit filed under Section 96 of C.P.C. to allow the appeal and set-aside the Judgment and Decree in O.S. No.394/96 on the file of the V



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Additional Judge, City Civil Court, Chennai, regarding the appellant.

For Appellant : No Appearance

For Respondents : Not ready in notice for R1 & R2
: Mr.K.S.V. Prasad for R3

JUDGMENT

The second defendant is the appellant. The Appeal is of the year 2000.

When the appeal was listed for the hearing on 25.07.2017, since the learned counsel for the appellant has been elevated, this Court directed the Registry to send notice to the appellant for the hearing on 21.08.2017.

2. Thereafter, the matter was listed only on 03.11.2023. Since the service of notice on the appellant was not reflected, this Court directed the Registry to ascertain the status of the notice sent to the sole appellant.

3. When the matter was again listed on 09.11.2023, the Registry put up a note stating that the drafted notice was sent to the respondent instead of the sole appellant. As such this Court, directed the Registry to issue fresh notice to the appellant for the hearing on 29.11.2023.

4. Pursuant to the order, drafted notice has been sent to the appellant



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and the notice was served on 21.11.2023, mentioning that the case will be listed on 29.11.2023 for hearing. When the matter was listed on 29.11.2023, the name of the sole appellant was printed in the cause list but there was no representation on his behalf. As such, the matter was directed to be posted under the caption “for dismissal” on 13.12.2023.

5. Even today, when the case is posted “for dismissal” and called, there is no representation on behalf of the appellant. As such it is evident that the appellant is not interested in prosecuting the appeal. Therefore, the appeal is dismissed as default for non-prosecution. Consequently, connected Miscellaneous Petition is closed.

18.12.2023

drl

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No



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To

- 1.The V Additional Judge, City Civil Court, Chennai,
- 2.The Assistant Manager (Legal)
N.K.Vanan.
M/s.Fidelity Finance Ltd,
16-F, Whites Road,
Royapettah, Chennai – 14.
3. Mr.Anand Sai, Proprietor
Maruthi Electronics
16, Palaniyandavar Kovil Street,
Vadapalani, Chennai – 26.
- 4.S.S.Vasan,
Rep by its Chief Manager,
Bank of Baroda,
Ambattur Branch.
- 5.The Section Officer, VR Section, High Court of Madras.



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G.ARUL MURUGAN.,J.

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