



A.S.No.483 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.B. BALAJI

A.S.No.483 of 2013

Mohamed Iqubal
Represented by his Power Agent
Abdul Latheef

... Appellant

Vs.

Krishnamoorthy

... Respondent

Prayer : Appeal Suit filed under Section 96 of Code of Civil Procedure against the judgment and decree dated 31.01.2013 in O.S.No.48 of 2010 on the file of the District Court at Karaikal.

For Appellant : No appearance

For Respondent : No appearance



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J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

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When the matter was listed on 11.10.2022, learned counsel appearing for the appellant reported no instructions and hence, this Court directed the Registry to issue notice to the appellants and list the matter after service of notice, showing the name of the appellant in the cause list. It is seen that the drafted notice sent by the Registry to the Power Agent of the appellant returned with an endorsement “deceased”. Thereafter, when the matter was listed on 31.03.2023, there was no representation for the appellant. Therefore, this Court directed the Registry to list the matter on 06.04.2023 under the caption “for dismissal”. On 06.04.2023, the matter was once again directed to be listed on 12.04.2023 under the same caption. Even when the matter was listed on 12.04.2023, there was no representation for the appellant and therefore, this Court directed the Registry to list the matter on 19.04.2023.



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WEB COPY 2. Even today, i.e., on 19.04.2023, though the matter is listed under the caption “for dismissal”, there is no representation on behalf of the appellant. Therefore, this Court has no other option except to dismiss the appeal for non-prosecution.

3. Accordingly, the appeal stands dismissed for non-prosecution. No costs.

(S.S.S.R., J.) (P.B.B., J.)
19.04.2023

mkn

Internet : Yes

Index : Yes / No

To

1. The District Judge,
Karaikal.

2. The Section Officer,
VR Section, High Court,
Chennai.

| *with a direction to return*
| *the records to the Court below,*
| *forthwith*



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S.S. SUNDAR, J.
and
P.B. BALAJI, J.

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