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AS No.373 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**  
**and**  
THE HONOURABLE MR.JUSTICE **N.SENTHILKUMAR**

**A.S.No.373 of 2005**  
**and CMP Nos.659 of 2011 & 314 of 2012**

1. R.Balavenkataraman Chettiar (Died)

2. B. Janarthanan ... Appellants/Defendants 1 to 3

Memo Recorded A1 Died. A2, R1, R2 and R3  
already on record are Lrs of the deceased A1  
vide Court Order dated 24.08.2022 made  
in AS No.373 & 824 of 2005 (VMVJ and SSJ)

Vs

1. B. Shanker

2. B. Mouleeswaran

3. B. Divakaran

4. K.Krishnan @ Babu

5. M/s.Sri Vasavi & Co.

Raja Street, Coimbatore.

... Respondents/Defendants 4, 5, & 6

This appeal is filed under Section 96 of the Code of Civil Procedure, to set aside the judgement and decree dated 19.04.2004 made in OS No.6 of 2003 on the file of Additional District Court-cum-Fast Track Court No.1, Coimbatore.



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For Appellants : Ms.Hemalatha  
for Mr.C.Prakasam

For Respondents : Ms.A.L.Ganthimathi, Senior Counsel  
for Ms.Meenakshi, for R1

Mr.Ramesh Venkatachalapathy,  
for RR 4 & 5

RR2 & 3 – No appearance

### **J U D G E M E N T**

*(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)*

The learned counsel for the appellants would submit that they have already given change of vakalat a few months back. No other counsel has entered appearance. It is clear that the appellants are not interested in prosecuting the Appeal. The Appeal is therefore dismissed for non prosecution. The counsel for the appellants, whose name is printed in the cause list, viz. Mr.C.Prakasam, is required to inform the appellants of this dismissal. Consequently, the connected miscellaneous petitions are closed.

**(R.SUBRAMANIAN, J.) (N.SENTHILKUMAR, J.)**  
**06.11.2023**

jv



*AS No.373 of 2005*

Index : Yes/No  
Internet : Yes/No  
Speaking order/Non Speaking order  
Neutral Citation: Yes/No

To

1. The Additional District Judge,  
Additional District Court-cum-  
Fast Track Court No.1,  
Coimbatore.
2. The Section Officer,  
V.R.Section,  
High Court.



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jv

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