



A.S.Nos.997 & 998 of 2004

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

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

A.S.Nos.997 & 998 of 2004
C.M.P.Nos.16144 of 2004 & 33 of 2008

A.S.No.997 of 2004

1.Saradha

2.Minor.Priya Darshini

Minor represented by her Mother and Natural Guardian Saradha

... Appellants

Vs.

1.R.Venkatesh (Deceased)

2.Sarojini

(R2 brought on record as LR's of deceased sole respondent vide order of Court dated 16.02.2012 made in C.M.P.Nos.137 to 138 of 2012)

... Respondents

PRAYER: Appeal Suit filed under Section 96 of the Code of Civil Procedure against the judgment and decree dated 21.04.2004 in O.S.No.20 of 2001 on the file of the Additional District Judge/Fast Track Court No.1, Coimbatore.

For Appellants : S.Vijay Raghavan

For Respondents : R1-Died



A.S.Nos.997 & 998 of 2004

A.S.No.998 of 2004

1.Minor.Priya Darshini

Minor represented by her Mother and Natural Guardian Saradha.

2.Saradha

... Appellants

Vs.

1.R.Venkatesh (Deceased)

2.Indian Overseas Bank

rep. By its Manager

Peelamedu Branch, Coimbatore-4.

3.The Proprietor, Regency Tailors,
1432, Ground floor, Avinasi Road
Peelamedu, Coimbatore-641 004.

4.Iswariam Garment

Rep.by its Partner Murali

1432, First floor, Avinasi Road

Peelamedu, Coimbatore-641 004.

5.Net Land

Rep. By its Proprietor-Rajesh

1432, First floor, Avinasi Road

Peelamedu, Coimbatore-641 004.

6.Institute of Mathametics,

Rep.by its Proprietor

1432, First floor, Avinasi Road

Peelamedu, Coimbatore-641 004.



A.S.Nos.997 & 998 of 2004

7.C.S.C.Center
Rep.by its Proprietor
1432, Seond floor, Avinasi Road
Peelamedu, Coimbatore-641 004.

8.Sarojini.

(R8 brought on record and second appellant impleaded as LR's of deceased R1 vide order of Court dated 16.02.2012 made in C.M.P.Nos.139 to 141 of 2012)

... Respondents

PRAYER: Appeal Suit filed under Section 96 of the Code of Civil Procedure against the judgment and decree dated 21.04.2004 in O.S.No.62 of 2003 on the file of the Additional District Judge/Fast Track Court No.1, Coimbatore.

For Appellants	:	S.Vijay Raghavan
For Respondents	:	
R1	:	Died
R2	:	Mr.Sunanda Suram
R3, R4 & R7	:	Mr.T.L.Thirumalaisamy
R5, R6 & R8	:	Not Ready in Notice.

JUDGMENT

Earlier, on 03.11.2023, the learned counsel for the appellants in both the appeal suits submitted that the matter was settled out of Court and he also took time to ascertain the position of the matter.



A.S.Nos.997 & 998 of 2004

WEB COPY

2. Today, when the matter is taken up for hearing, the learned counsel for the appellants in both the appeal suits submits that he was not able to contact the parties. The learned counsel for the respondents 3, 4 & 7 in A.S.No.998 of 2004 submits that he was also not able to contact the parties to get instructions.

3. The appeal suits are of the year 2004. The second respondent in A.S.No.997 of 2004, who was brought on record on 16.02.2012 as the legal heir of the deceased first respondent is yet to be served and the respondents 5, 6 & 8 in A.S.No.998 of 2004 have not been served. The 8th respondent in A.S.No.998 of 2004 has been brought on record as early as 16.02.2012, as the legal heir of the deceased first respondent. Therefore, it is evident that the appellants are not interested in prosecuting the appeal by completing the service on the contesting respondents, probably, in view of the settlement that might have been entered, as represented by the learned counsel for the appellants.



A.S.Nos.997 & 998 of 2004

WEB COPY

4. In view of the above, both the appeal suits are dismissed for default. Consequently, connected miscellaneous petitions are closed.

22.11.2023

dpa

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

To

1.The Additional District Judge/Fast Track Court No.1,
Coimbatore.



WEB COPY



A.S.Nos.997 & 998 of 2004

G.ARUL MURUGAN.,J.

dpa

A.S.Nos.997 & 998 of 2004
C.M.P.Nos.16144 of 2004 & 33 of 2008

22.11.2023