



AS.No.487 of 2008

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM:

THE HONOURABLE Mr. JUSTICE **S.S.SUNDAR**
AND
THE HONOURABLE Mr. JUSTICE **P.B.BALAJI**

A.S.No.487 of 2008

B.Ananthakrishnan @ Ramani

... Appellant/1st Defendant

-Vs-

1. R.Vasantha

2. P.Kunjammal

3. V.Rama

4. K.Banumathi

5. B.Jayaraman (deceased)

6. M/s.Liberty Stores,
Proprietary concern
Nos.377 & 378
(Old Nos.151-A & 151-B) D.B.Road,
R.S.Puram, Coimbatore 641 002.

7. M/s.Show Bazzar Shoe Mart,
No.380 (Old No.153) D.B.Road,
R.S.Puram, Coimbatore.



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8. M/s.Lakshmi Medical Stores,
Proprietary Concern,
D.No.381 Old No.153-A,
D.B.Road, R.S.Puram,
Coimbatore 641 002.

9. M/s.Alpana Cloth Stores,
Proprietary Concern,
Door No.382 (Old No.154),
D.B.Road, R.S.Puram, Coimbatore 641 002.

10.Dr.S.P.T.Sambandam

11.M/s.Optic Care
Proprietary Concern,
Door No.373, (Old No.154-A)
D.B.Road, R.S.Puram,
Coimbatore 641 002.

12.Dr.Vijayanthi, MBBS DGO

13.M/s.Hi-Tech Solar Appliances,
No.376, 377, 378, D.B.Road,
R.S.Puram, Coimbatore 641 002.

14.Rajesh P.Jain

15.Juki Fancy Stores
Proprietary Concern No.382 (Old No.154),
D.B.Road R.S.Puram,
Coimbatore 641 002.

16.M/s.Allen Solly,
Readymade Cloth Show Room,
No.382 (OLD NO.154)
D.B.Road, R.S.Puram,
Coimbatore 641 002.



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17.Vysya Bank Housing, Finance Ltd.,
No.382-C, 1st Floor,
Manian Corner, D.B.Road,
R.S.Puram, Coimbatore 641 002.

18.M/s.Stay Fit,
No.382 (Old No.154),
D.B.Road R.S.Puram,
Coimbatore 641 002.

19.Sri Hari Jewellers,
373 First Floor, D.B.Road,
R.S.Puram, Coimbatore.
(R6 to R19 are given up)

20.S.Geetha Jayaraman,
W/o.Late B. Jayaraman,

21.J.Balaji,
S/O.Late B.Jayaraman,

22.J.Ramagopalan,
S/o.Late B.Jayaraman,
(R20 to R22 brought on record as LR's of the deceased R5
vide order dated 12.4.2010 made in MP 2/10 in AS 487/08)

... Respondents

PRAYER: First Appeal filed under Section 96 of the Code of Civil Procedure, praying to set aside the Judgment and decree of the First Additional District Court at Coimbatore dated 28.04.2006 made in O.S.No.21 of 2004.



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For Appellant : Mr.G.Harikrishna
for Mr.G.RM.Palaniappan
For Respondents : Mr.Mukunth
for M/s.Sarvabhauman Associates
for R20 to R22
R1 to R4- Not ready in notice
R5-died
R6 to R19 – given up

J U D G M E N T

[Judgment of the Court was delivered by **S.S.SUNDAR, J**]

The appeal suit has been filed against the judgment and decree dated 28.04.2006 passed in O.S.No.21 of 2004 on the file of the First Additional District Court at Coimbatore.

2. It is seen from the records that M/s.Sarvabhauman Associates have filed vakalat for R20 to R22. The appeal is given up as against R6 to R19. Fifth respondent is no more and the respondents 20 to 22 were brought on record as legal heirs of deceased 5th respondent. We find that respondents 2 to 4 are represented by the Power of Attorney agent viz., first respondent. It is seen that II Batta is due to first respondent and therefore, notice is not yet served on the first respondent, who is contesting the appeal on behalf of respondents 1 to 4. In such circumstances, the learned counsel appearing for the appellant states that he has given change of vakalat.



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3. Since the appeal is preferred in the year 2008 and no steps have been taken to serve on the first respondent, who is also supposed to defend the respondents 2 to 4, this Court finds no valid reason to adjourn this matter any more. The learned counsel appearing for the appellant states that he has handed over the papers to the parties. No one has filed vakalat so far. In these circumstances, this Court finds that keeping this matter pending will not yield any result. The appellant is not interested in prosecuting the Appeal with diligence and hence, it is not desirable to adjourn this matter any further. Since no steps have been taken to serve notice on the contesting first respondent and the counsel reports that the appellant has taken the papers, this appeal suit is dismissed for non prosecution. No costs.

[S.S.S.R, J] [P.B.B., J]

20.03.2023

(1/2)

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Index : Yes

Speaking Order

To
The First Additional District Court,
Coimbatore.



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and
P.B.BALAJI, J

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