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AS.No.488 of 2008

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.488 of 2008**  
**and**  
**MP.No.2 of 2007**

B.Ananthakrishnan @ Ramani

... Appellant/Plaintiff

-Vs-

1. B. Jayaraman (deceased)
2. Geetha Jayaraman
3. P. Kunjammal
4. R. Vasantha
5. V. Rama
6. K. Banu
7. J. Balaji Srinivasan
8. J. Ramagopalan

(R7 & R8 brought on record as LR's of the deceased R1  
vide order dated 12.4.2010 made in MP 2/10 in AS 488/08)

... 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.313 of 2005.

For Appellant : Mr. G. Harikrishna



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for Mr.G.RM.Palaniappan

For Respondents : Mr.Mukunth  
for M/s.Sarvabhauman Associates  
for R2, 7 & 8  
R1 - died  
R3 to R6 – Not ready in notice  
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### **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.313 of 2005 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 R2, 7 & 8. The appeal is given up as against R3 to R6. First respondent is no more and the respondents 7 & 8 were brought on record as legal heirs of deceased 1<sup>st</sup> respondent. We find that respondents 3, 5 & 6 are represented by the Power of Attorney agent viz., 4<sup>th</sup> respondent. It is seen that II Batta is due to 4<sup>th</sup> respondent and therefore, notice is not yet served on the 4<sup>th</sup> respondent, who is contesting the appeal on behalf of respondents 3, 5 & 6. In such circumstances, the learned counsel appearing for the appellant states that he has given change of vakalat.

3. Since the appeal is preferred in the year 2008 and no steps have been



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taken to serve on the 4<sup>th</sup> respondent, who is also supposed to defend the respondents 3, 5 & 6, 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 sofar. 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 4<sup>th</sup> respondent and the counsel reports that the appellant has taken papers, this appeal suit is dismissed for non prosecution. No costs. Consequently, connected Miscellaneous Petition is also closed.

[S.S.S.R, J] [P.B.B., J]  
20.03.2023  
(2/2)

kmi

Index : Yes/No  
Speaking Order/Non-Speaking Order  
To  
The First Additional District Court,  
Coimbatore.



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

kmi

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**and MP.No.2 of 2008**

20.03.2023  
(2/2)