



S.A.No.574 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.574 of 2008

&

M.P.No.1 of 2008

N.Sambasivam

...Appellant

Vs.

G.Lakshmanan

...Respondent

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree made in A.S.No.167 of 2003 dated 30.11.2005 on the file of Additional District and Sessions Court, Fast Track Court – IV, Chennai, confirming the Judgement and Decree dated 29.07.2002 made in O.S.No.6820 of 1989 on the file of the VII Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr.A.Lakshmanan

For Respondent : Died



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JUDGMENT

There is no appearance for the learned counsel for the appellant.

2. On 14.06.2021, the following orders has been passed in C.M.P.No.5830 of 2020 in S.A.No.574 of 2008 for condoning the delay of 960 days in filing the petition to restore the petition filed for bringing on record the legal representatives of the deceased sole respondent:

“ The above application is filed for condoning the delay of 960 days in filing the petition to restore the petition filed to bring on record the legal heirs of the deceased 1st respondent. The application to bring on record the legal heirs was filed in M.P.SR.No.11159 of 2016 and the same was dismissed for default. It is to restore that application that the present application has been filed with the delay of 960 days.



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2. It is also seen that the counsel after taking out this application had not been entering appearance and the matter was listed under the caption for dismissal on 24.02.2020. At which juncture the counsel had appeared and thereafter, the matter was listed on 30.04.2020. There was no representation and the matter was directed to be listed under the caption for dismissal on 03.06.2021. Today when the matter is listed, once again there is no representation on behalf of the counsel for the petitioner. Therefore the petition is dismissed for default.”

3. To date, this order has not been set aside and the CMP restored. Therefore, the Second Appeal is dismissed as abated. Consequently, connected Miscellaneous Petition is closed. No costs.

09.01.2023

Index : Yes/No

Internet : Yes/No

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To

1. The Additional District and Sessions Court,
Fast Track Court – IV,
Chennai.



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2.The VII Assistant Judge,
City Civil Court,
Chennai.

P.T. ASHA, J,

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