



C.M.A.No.1327 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.M.A.No.1327 of 2018

Suriyakala

... Appellant

-VS-

1.M.Atchiammal

2. K.M.Rajendiran

3.K.M.Kannan

4. K.Lavanya

5. K.Aswinkumar

6.K.M.Chinnadurai

... Respondents

Prayer:- Civil Miscellaneous Appeal filed under Order 43 Rule 1 (C) of Code of Civil Procedure, to set aside the fair and decretal order dated 28.02.2018 made in IA.No.410 of 2017 in O.S.No.197/2016 on the file of the learned Second Additional District and Sessions Court, Erode.

For Appellant	: Mr.N.S.Suganthan
For Respondent	: No appearance

JUDGMENT

This appeal has been filed to set aside the fair and decretal order dated 28.02.2018 made in IA.No.410 of 2017 in O.S.No.197/2016 on the file of the learned Second Additional District and Sessions Court, Erode.



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2. On 29.09.2023, this Court allowed the appeal with cost. The operative of the judgment is as follows:

"7. However, it is the duty of the party to follow up the case and to give suitable instructions to the counsel. However, in order to give an opportunity to the appellant/plaintiff, the appeal is allowed on payment of costs of Rs.25,000/- to the Hon'ble chief Justice Relief Fund.

8. The above payment of costs of Rs.25,000/- shall be paid on or before 09.10.2023, failing which, the appeal shall stand dismissed automatically without any further interference. In case amount is deposited, the trial Court is directed to take effective steps to dispose of the suit within a period of six months from the date of receipt of a copy of this order, since the suit for partition is pending from the year 2016. The learned counsel for the appellant/plaintiff is directed to take steps for service of notice to the 5th defendant/5th respondent in accordance with law.

9. List the appeal on 10.10.2023 in the caption "for reporting compliance"

3. The matter is listed today before this Court under the caption for reporting compliance.

4. When the matter is taken up, the learned counsel for the



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appellant/plaintiff, on instructions, submitted that she is not in a position to pay cost and seeks some more time to comply with the order.

5. In such view of the matter, the appellant has not complied with the order of this Court. Hence, this Court is inclined to dismiss the appeal and accordingly, the same is dismissed. No costs.

20.11.2023

Rli

Index: Yes/No

NCS : Yes/No

To

The Second Additional District and Sessions Judge,
Erode.



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M.DHANDAPANI, J.

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