



C.M.S.A.No.20 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM :

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.M.S.A. No. 20 of 2021

P.Venkatesan

... Appellant

Vs.

1.K.Chellappan

2.A.Palaniappan

... Respondents

[2nd respondent remained *ex-parte*
in the Court below and hence, given up
as un-necessary party]

Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure Code, 1908 read with Section 75(1) of the Provincial Insolvency Act, 1920 against the fair and final order dated 29.6.2010 made in C.M.A.No.24 of 2009 on the file of the Additional District Court-Fast Track Court No.1, Salem, reversing the fair and final order dated 27.4.2009 made in I.P.No.45 of 2006 on the file of the Principal Sub Court, Salem.



C.M.S.A.No.20 of 2021

For Appellant : Mr.V.Rajesh

For Respondent : Mr.Kandhan Doraisami
for R1
R2-Given up

J U D G M E N T

When the matter was listed for hearing on 09.08.2023, there was no representation for the appellant and the matter was directed to be listed on 28.08.2023 under the caption "for dismissal".

2. Today, when the matter is taken up for hearing, the learned counsel for the appellant submitted that the first respondent died and due to lack of instructions from the appellant to bring on record the legal representatives of the deceased first respondent, he is unable to take steps.

3. The learned counsel for the first respondent submitted that the first respondent died, but he did not produce any death certificate to that effect.



C.M.S.A.No.20 of 2021

4. Since the learned counsel for the appellant is unable to prosecute the matter, this civil miscellaneous second appeal is dismissed for non-prosecution. There shall be no order as to costs.

28.08.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

- 1.The Additional District Court-Fast Track Court No.1,
Salem.
- 2.The Principal Sub Court,
Salem.
- 3.The Section Officer,
V.R.Section,
High Court, Madras.



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C.M.S.A.No.20 of 2021

P.VELMURUGAN, J.

ms

C.M.S.A.No.20 of 2021

28.08.2023