



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2023**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S(MD)No.109 of 2008

and

M.P(MD)No.1 of 2008

N.Ravi

:Appellant/Plaintiff

.VS.

1.N.Baskar

2.S.Suresh

3.N.Rajendran

4.T.B.Thinakaran

5.M.Sivagami

6.Anusya

7.Yaswanth

(Minor respondents 6 and 7 are declared as major and guardianship of their next friend, 6th defendant Sivagami is discharged vide order of this Court made in A.S(MD)No.109 of 2008, dated 28.6.2022)

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.175 of 2004, dated 29.09.2006, on the file of I Additional District Judge, Tiruchirappalli.



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For Appellant	:No appearance
For Respondent-1	:Died
For Respondents 2,3 and 5	:Mr.R.Sundar
For Respondent-4	:Dismissed as abated
For Respondents 6 and 7	:Batta due

JUDGMENT

No representation for the appellant, despite the matter is posted today for final hearing.

2.It is to be noted that this appeal suit was dismissed for default on 21.07.2022 and thereafter, the same was restored to file on 13.04.2023 and posted for final hearing today. While restoring the appeal suit on file, it is made clear to the counsels that the matter will be taken up for final hearing on 7.6.2023, which has also been agreed by them. In spite of the same, there is no representation on behalf of the appellant. This shows that the appellant is not interested in prosecuting the appeal suit further. Hence, this Court has no other option except to dismiss the appeal suit for non-prosecution.



3. Accordingly, the appeal suit is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

07.06.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn

To

1. The Ist Additional District Judge,
Tiruchirappalli.
2. The Section Officer,,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR.,J.

vsn

JUDGMENT MADE IN
A.S(MD)No.109 of 2008
and
M.P(MD)No.1 of 2008

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