



S.A.(MD).No.194 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

S.A.(MD).No.194 of 2017

and

C.M.P.(MD).No.3637 of 2017

Radhakrishnan

... Appellant/2nd Respondent/4th Defendant

Vs.

1.Alagarsamy,
through his Power Agent,
Chellaithai.

...1st Respondent/1st Respondent/Plaintiff

2.Thirupathiraj

3.Ayyammal

...2-3 Respondents/2-3 Respondents/
7 & 8 Defendants

4.Ramasubbu

5.Seethammal

6.Gangalakshmi

7.Jeyamarry

8.Muthulakshmi

...4-8 Respondents/Appellants/
1, 3, 5 and 6 Defendants

Prayer: Second Appeal is filed under Section 100 of CPC against the judgment and decree passed in A.S.No.62 of 2012 dated 03.12.2014 on the file of the



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learned Subordinate Judge, Kovilpatti confirming the judgment and decree passed in O.S.No.14 of 2010 dated 09.02.2011 on the file of the learned District Munsif, Kovilpatti.

For Appellant : No appearance
For R-1 : Mr.K.Prabhu
For R-2 to R-8 : No appearance

JUDGMENT

There is no representation on the side of the appellant. The name of the appellant is also printed in the cause list today as directed by this Court in its earlier order dated 11.04.2023.

2. The learned counsel for the appellant on 28.02.2023 had submitted before this Court that he is reporting no instructions. After recording the same, this Court directed the Registry to send a notice to the appellant informing him about the next date of hearing, i.e., on 17.03.2023. In accordance with the said direction, Registry had also sent a notice to the appellant informing the next date of hearing as 17.03.2023. The notice sent by the Registry was duly served on the appellant as seen from the report sent by the Central Nazir of the Lower Appellate Court dated 15.03.2023. Since the appellant has been duly served and remained unrepresented despite the same, this Court directed the Registry



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to print the name of the appellant in the cause list and adjourned the matter.

Today, once again there is no representation on the side of the appellant. This Second Appeal is of the year 2017. The learned counsel for the first respondent also submits that he has been informed by his client that the matter has been settled out of Court. It can now be inferred that the appellant is not interested in prosecuting this Second Appeal. Accordingly, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

25.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Sub Court,
Kovilpatti.
- 2.The District Munsif Court,
Kovilpatti.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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ABDUL QUDDHOSE, J.

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