



S.A.(MD)No.279 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.279 of 2017

and

C.M.P.(MD)No.6164 of 2017

Avudaiappan

... Appellant

/Vs./

1.R.Subramaniam

2.Muthuramalingam

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the judgment and decree passed in A.S.No.31 of 2015, on the file of the III Addl. District Court, Tirunelveli, Tirunelveli District, dated 09.06.2016 confirming the judgment and decree passed in O.S.No. 109 of 2010 on the file of the Sub Court, Sankarankovil, Tirunelveli District, dated 05.09.2014.



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For Appellant : No appearance
For Respondents : Mr.F.X.Eugene (R1)
No appearance (R2)

JUDGMENT

This matter is listed under the caption 'For Dismissal' today. There is no representation on the side of the appellant once again. The learned counsel appearing for the first respondent is present.

2. The learned counsel appearing for the appellant has been repeatedly seeking adjournments in this matter as seen from the earlier proceedings of this Court. Infact, even on the last hearing date, ie., on 13.06.2023, the matter was listed under the caption 'For Dismissal'. Only on the request made by the learned counsel appearing for the appellant, this matter was adjourned today.

3. In the previous hearings, the learned counsel appearing for the appellant had also submitted before this Court that a major share of the



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suit schedule property has also been purchased by the appellant subsequent to the filing of this second appeal and therefore, he would get instructions from his client as to whether the second appeal can be prosecuted or not. He had also submitted before this Court that he had also sent a communication to his client, but he has not received any response.

4. This second appeal is of the year 2017. It can now be inferred that the appellant is not interested in prosecuting the Second Appeal. Accordingly, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

20.06.2023

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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TO:

- 1.The III Addl. District Court, Tirunelveli, Tirunelveli District.
- 2.The Sub Court, Sankarankovil, Tirunelveli District.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.

Judgment made in
S.A.(MD)No.279 of 2017

Dated:
20.06.2023