



S.A.(MD)No.432 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.432 of 2017

and

C.M.P.(MD)No.8934 of 2017

Kumara Kannan

... Appellant

/Vs./

1.Jaya

2.Sri Arunodhaya Financiers,
No.16, Athikrishnapuram,
Karur Taluk,
Karur District.

3.K.Manivannan

4.M.Vennila

5.P.Mohan

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the judgment and decree dated 05.04.2017 made in A.S.No.9 of 2016, on the file of the Principal District Court, Karur, reversing the judgment and decree dated 06.10.2015 made in O.S.No.338 of 2010 on the file of the Additional Sub Court, Karur, and allow this Second Appeal pending on the file of this Court.



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For Appellant : No appearance
For Respondents : Mr.V.Nagendran (R1)
No appearance (R2 to R4)
Mr.V.Meenakshi Sundaram (R5)

JUDGMENT

This matter is listed under the caption 'For Dismissal' today. There is no representation on the side of the appellant once again.

2. After recording the memo filed by the learned counsel on record for the appellant, wherein he has stated that he is reporting no instructions, this Court directed the Registry to issue notice to the appellant to give one more opportunity to the appellant informing him about the next hearing date as 17.03.2023. As directed by this Court, the Registry had also sent a notice to the appellant informing him about the next date of hearing as 17.03.2023. The said notice sent by the Registry was served on the appellant on 15.03.2023. Though notice was served, none appeared on behalf of the appellant.



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3. On the last hearing date, ie., on 20.03.2023, since there was no representation on the side of the appellant, this Court directed the Registry to print the name of the appellant and post the matter under the caption 'For Dismissal' today. Accordingly, this matter has been listed under the caption 'For Dismissal' today. Once again, there is no representation on the side of the appellant. 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.

24.03.2023

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

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TO:

- 1.The Principal District Court, Karur.
- 2.The Additional Sub Court, Karur.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.

Judgment made in
S.A.(MD)No.432 of 2017

Dated:
24.03.2023