



S.A.(MD)No.481 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.481 of 2017

and

C.M.P.(MD)No.10171 of 2017

Chellappa

... Appellant

/Vs./

Muthukrishnan

... Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to allow the Second Appeal and consequently set aside the partly modified decree and judgment of the learned Principal District Judge, Tirunelveli, dated 30.06.2017 made in A.S.No.18 of 2016 of paying Rs. 3,00,000/- with interest at the rate of 9% till the date of decree and 6% subsequent to the decree till the date of realization forthwith as against the decree and judgment of the learned Subordinate Judge, Valliyoor, Tirunelveli District, dated 05.01.2016 made in O.S.No.155 of 2014 of ordering the relief of specific performance of ordering the relief of specific performance of contract with subsequent permanent injunction in relation to the sale of suit property forthwith.



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For Appellant : Mr.S.Palani Velayutham

For Respondents : Mr.H.Arumugam

JUDGMENT

The learned counsel appearing for the appellant has been repeatedly seeking adjournments for reporting settlement of this second appeal. On 14.03.2023, it was reported by both the counsels that talks of settlement were going on between the parties and in all likelihood, settlement would be reached within a period of one week. Only on the request made by both the counsels, the matter was adjourned to 24.03.2023 for reporting settlement.

2. On 24.03.2023, it was reported by the learned counsel appearing for the appellant that though he has received oral instructions from his client that the matter has been settled between the parties, he sought for further time to get written instructions and report settlement of the matter before this Court. After recording the statement made by the learned counsel appearing for the appellant and on his request, the matter was adjourned today, ie., 05.04.2023.



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3. Even today, the learned counsel appearing for the appellant is not able to report settlement of the matter, but instead he seeks further time for reporting settlement.

4. The learned counsel appearing for the respondent also submits that even though there was a proposal given by the appellant for settlement earlier, the appellant had not contacted the respondent thereafter for arriving at a settlement.

5. The learned counsel appearing for the appellant is also not ready to argue the matter today. 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.

05.04.2023

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

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TO:

- 1.The Principal District Judge, Tirunelveli.
- 2.The Subordinate Judge, Valliyoor, Tirunelveli District.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.

Judgment made in
S.A.(MD)No.481 of 2017

Dated:
05.04.2023