



S.A.Nos.1086 & 1087 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

S.A. Nos.1086 and 1087 of 2009

A.I. Zainulabudeen

.. Appellant in
both the appeals

Vs.

Abdul Hameed

.. Respondent in
both the appeals

Second Appeals filed under Section 100 of Code of Civil Procedure against the decree and judgment passed in A.S. Nos.169 and 170 of 2005 dated 25.08.2006 on the file of the Additional District Judge, Fast Track Court II, Chennai, confirming the judgment and decree dated 25.02.2004 made in O.S.Nos.2594 of 1997 and 3210 of 1994 on the file of the Court of XI Assistant Judge, City Civil Court, Chennai.

For Appellant : No appearance

For Respondent : No appearance



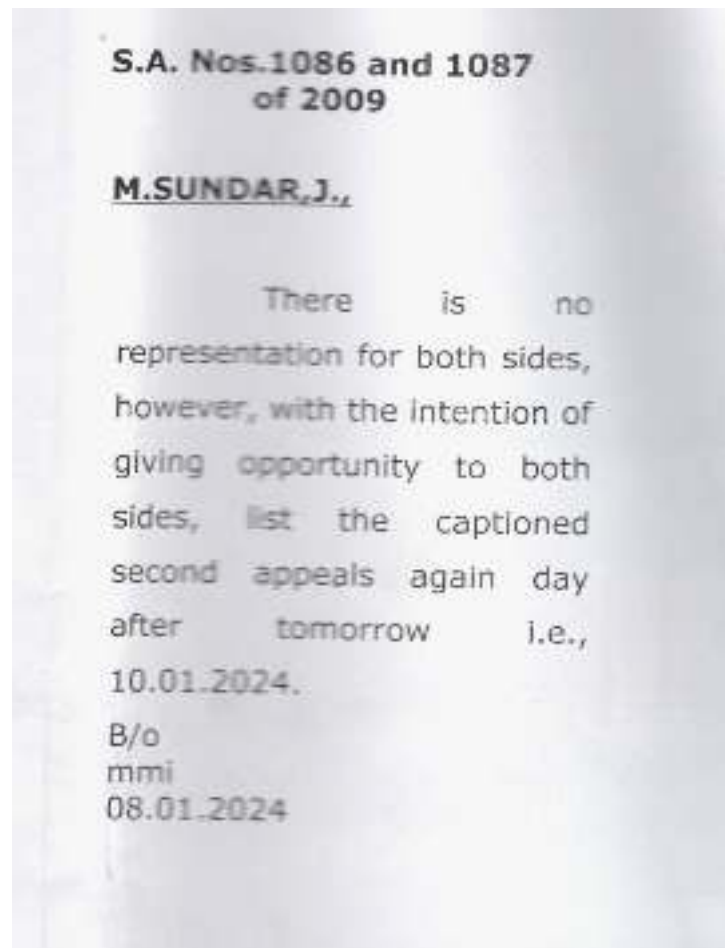
S.A.Nos.1086 & 1087 of 2009

COMMON JUDGMENT

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Read this in conjunction with and in continuation of earlier proceedings made in the listings on 08.01.2024, 10.01.2024 and 12.01.2024 and a scanned reproduction of these three proceedings are as follows:

Proceedings dated 08.01.2024:





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Proceedings dated 10.01.2024:

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M.SUNDAR, J

Read this in conjunction with and in continuation of proceedings made in the listing day-before-yesterday [08.01.2024], which reads as follows: 

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of 2009**

M.SUNDAR, J.,

There is no representation for both sides, however, with the intention of giving opportunity to both sides, list the captioned second appeals again day after tomorrow i.e., 10.01.2024.

By
mm
08.01.2024

2. The position is no different today i.e., there is no representation for both sides. However, with the intention of giving further opportunity, list the captioned Second Appeals again day after tomorrow.

3. List on 12.01.2024.

kmi:

Wakand for the with

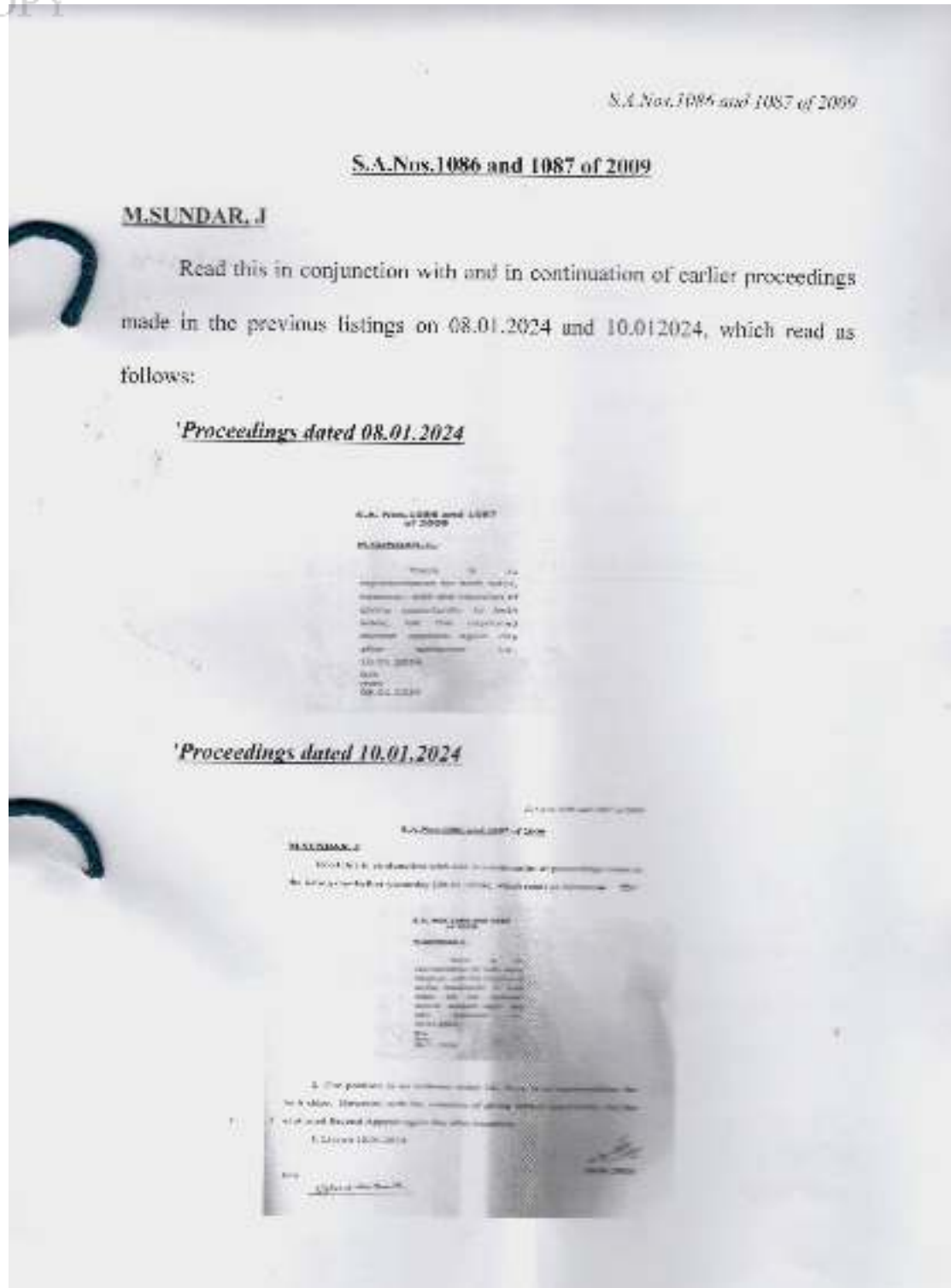

10.01.2024



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PROCEEDINGS DATED 12.01.2024:

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1. Sub of 19.01.2024

S.A.Nos.1086 and 1087 of 2009

M.SUNDAR, J

kmi

2. The position is no different today i.e., there is no representation for ^{both sides} today also. To be noted, this is the third successive listing in which there is no representation for both sides. ^{He}

3. However, with the intention of giving one peremptory opportunity to both sides, list captioned matters under the cause list caption 'For Dismissal' on 19.01.2024.


12.01.2024

kmi

S.A.Nos.1086 and 1087 of 2009

①
kmi
18/01/2024



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2. The aforementioned proceedings made in three consecutive listings are tell-tale qua the trajectory the captioned appeals have taken before this Court and therefore this Court refrains itself from dilating on the same again. Suffice to say that the captioned second appeals are listed under the cause list caption 'FOR DISMISSAL' today and the position is no different from what it was in the last three consecutive listings, in other words, there is no representation for both sides today also.

3. In the light of the narrative thus far, taking recourse to Order XLI Rule 17 of The Code of Civil Procedure, 1908, captioned second appeals are dismissed for default i.e., dismissed for non-prosecution. There shall be no order as to costs.

19.01.2024

Index:Yes/No
Neutral Citation: Yes/No
mmi

To

1. The Additional District Judge,
Fast Track Court II, Chennai.
2. The XI Assistant Judge,
City Civil Court, Chennai.



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S.A.Nos.1086 & 1087 of 2009

M.SUNDAR.J.,

mmi

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19.01.2024