



WEB COPY



S.A. No. 1536 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

S.A. No.1536 of 2011 and
M.P.No.1 of 2011

Radha

... Appellant

Versus

Rajaparvathi

... Respondent

Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, against the Judgment and decree dated 06.07.2011 passed in A.S.No.1 of 2011 on the file of the Subordinate Court, Neyveli, in confirming the decree and judgment dated 02.11.2010 passed in O.S.No.7 of 2010 by the District Munsif and Magistrate Court, Neyveli.

For Appellant : M/s. V. Srimathi

For Respondent : No Appearance (Steps due)

J U D G M E N T

The Second Appeal has been listed for hearing under the caption “for dismissal” today. However, learned counsel for the appellant submits that he has not received any instruction from the appellant so far.



S.A. No. 1536 of 2011

WEB COPY

2. In earlier occasion, this Court by order dated 01.10.2024 passed the following order:-

“ When the case was taken up for hearing on 04.09.2024, it was represented by the learned counsel for the appellant that the sole respondent was no more. Hence, this Court ordered notice to the respondent.

2. Now, the learned counsel for the appellant submits that despite the letter sent to the appellant to get along with the case. But there is no instruction from the appellant, and unable to contact the appellant.

3. Therefore, the learned counsel for the appellant is unable to get along with the case without getting instructions from the appellant and seeks time for the same. ”

3. In view of the above said submission, and considering the appellant's failure to provide instructions to their counsel, and demise of the sole respondent and no steps were due, this Court has no option but to dismiss the Second Appeal for non-prosecution.

4. Accordingly, the Second Appeal stands dismissed for non-prosecution. No costs. Consequently, the connected miscellaneous petition



S.A. No. 1536 of 2011

is also closed.

WEB COPY

15.10.2024

Index : Yes/No

Speaking/Non-Speaking Order

Neutral Case Citation : Yes/No

To:

1. The Subordinate Court, Neyveli,
2. The District Munsif and Magistrate Court, Neyveli.
3. The Section Officer, V.R.Section, High Court of Madras.

klr



WEB COPY



S.A. No. 1536 of 2011

N.SENTHILKUMAR, J.

klt

S.A.No.1536 of 2011
and
M.P.No.1 of 2011

15.10.2024