



S.A.No.995 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

Coram:

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

S.A.No.995 of 2012

and

M.P.No.1 of 2012

Thuluva Vellalar Sangam,
Present: Tmt.A.Balkis, B.L.,
Macheswarar Sorpozhivu Thirumana
Mandabam
Rep by it Secretary
Dr.Radhakrishnan.

... Appellant / Plaintiff

Vs.

Kancheepuram Municipality
Rep by its Municipal Commissioner,
Nellukara Street,
Big Kancheepuram.

... Respondent / Defendant

Prayer: This Second Appeal is filed under Section 100 of Code of Civil Procedure praying against the Judgment and Decree in A.S.No.47 of 2011 dated 10.04.2012 by the learned Sub Court, Kancheepuram reversing the Judgment and decree rendered in O.S.No.346 of 2000 dated 05.04.2010 on the file of the learned Additional District Munsif, Kancheepuram.



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For Appellant : Mr.R.Singaravelan

For Respondent : No Appearance

J U D G M E N T

The learned counsel for the appellant would contend that he has written a letter to the appellant on 25.09.2024 intimating to contact him, as the case was listed for final hearing.

2. Despite private notice taken on the respondent, the respondent has not reported any instructions to the counsel on record.

3. Even prior to the issuance of the notice to the appellant, the counsel on record has made all attempts to contact the appellant through phone. The attitude of the appellant which was submitted by the learned counsel for the appellant is that he picks the call and not instructing the learned counsel for the appellant to proceed with the case. In spite of letter being addressed to the appellant for getting instructions and to get along with the case, there is no proper instructions to the counsel on record to proceed further.



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WEB COPY 4. The learned counsel for the appellant further submits that counsel on record has taken all steps and further submits that when all the efforts taken by him to contact the appellant either on phone or even addressing through registered post, the attitude of the appellant in not giving any instructions to proceed further and it is becoming burden on the counsel, whether to proceed further or not? Further they should not be blamed before the Bar council for non prosecuting the case and requested the above said letter be scanned as part and parcel of the order. The said submission is also recorded.

5. As the appellant has failed to instruct the counsel for the appellant to proceed further. It is contended that the appellant is not willing to prosecute the Second Appeal. A letter written by the counsel for the appellant on 25.09.2024 along with the acknowledgement Card shall stands part and parcel of this order, and the same is extracted below.



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V. AMBIKA, B.A. LL. PGDADR
Advocate & Notary Public

Office : 100/124, Gopale Ganga
No. 4, East Chetty Street, 2nd Floor, 1st
Floor, High Court, Chennai - 600 027.
C.I. : 94440 SEERO. 9577202225

Date 25/9/24

To
The Secretary,
Thiruvuvallavar Senjams
Machanurvaru Sri Prathiba
Thiruvuvuvu Mandab, Bangalore.

Sis,
Sub : S.A.No.995/12.

The above Appeal is adjourned
as per my representation to 30/9/24
and the same is informed to you
on 19/9/24. I request your office to
produce the property Tax paid relating
the suit property. But till date you
failed to respond to my calls or
not appearing in person & instruct.
Hence please contact before 30/9/24
to AM otherwise I will report no
instructions in the above case.

Yours faithfully
V. Ambika

6. Recording the same, this Second Appeal is Dismissed for non prosecution. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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To
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- 1.Kancheepuram Municipality
Rep by its Municipal Commissioner,
Nellukara Street,
Big Kancheepuram.
- 2.The Sub Court,
Kancheepuram.
- 3.The Additional District Munsif,
Kancheepuram.
- 4.The Section Officer,
VR Section,
High Court, Madras.



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N.SENTHILKUMAR, J.

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