



WEB COPY



S.A.NO.656 OF 2017

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

S.A.NO.656 OF 2017

AND

CMP NO.16249 OF 2017

N.Periyasamy

... Appellant / Appellant /
Plaintiff

Vs.

1.M.Velusamy
2.U.Sundaramoorthy
3.N.S.N.Nataraj
(RR3 is impleaded as respondent in
S.A.No.656 of 2017 vide order of
Court dated 12.03.2024 made in
CMP No.13113 of 2021 in
S.A.No.656 of 2017)

... Respondents / Respondents /
Defendants

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, praying to set aside the Judgment and Decree made in A.S.No.6 of 2016 on the file of the 3rd Additional District Judge, Dharapuram, Tiruppur District dated 28.03.2017 confirming the Judgment and Decree passed in C.S.No.179 of 2010 on the file of the Subordinate Judge, Dharapuram dated 05.10.2015.

For Appellants : M/s.VA VU SI Vazhakagam



For Respondent-1 : Mr.S.Kaithamalai Kumaran
For Respondent-2 : Served – No Appearance
For Respondent-3 : Mr.M.R.Thangavel

JUDGMENT

When the matter was listed before this Court on 07.08.2024, learned counsel for the appellant sought short accommodation and accordingly, the matter was listed on 22.08.2024. Again when the matter was called on 22.08.2024, there was no representation on behalf of the appellant and the matter was directed to be listed today. For ease of reference, the order dated 07.08.2024 and 22.08.2024 read as under:

“07.08.2024

Learned counsel for the appellant is not ready to argue the matter today and seeks short accommodation. This Second Appeal has not been admitted since 2017.

2.At request of the learned counsel for the appellant, post the matter on 22.08.2024. It is made clear that no further adjournment will be granted on that day.

22.08.2024

No representation for the appellant. In the interest of justice, this appeal is adjourned to 12.09.2024.”

2.Even today, there is no representation on behalf of the



S.A.NO.656 OF 2017

appellant. Hence, this Court is inclined to dismiss the Second Appeal for non-prosecution.

3. Accordingly, this Second Appeal is dismissed for non-prosecution. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

12.09.2024

TK

To

1. The 3rd Additional District Judge
Dharapuram,
Tiruppur District.
2. The Subordinate Judge
Dharapuram.



WEB COPY



S.A.NO.656 OF 2017

R.SAKTHIVEL, J.

TK

S.A.NO.656 OF 2017

12.09.2024