



S.A.NO.313 OF 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

SECOND APPEAL NO.313 OF 2019

AND

CMP NO.4741 OF 2019

Thiyagarajan

.. Appellant / Appellant /
Defendant

Versus

1.Udayakumar
2.Muthukuzhali
3.Arunsundar
4.Vimala

.. Respondents / Respondents /
Plaintiffs

PRAYER : Second Appeal filed under Section 100 of Civil Procedure Code, 1908, praying to set aside the Judgment and Decree in A.S.No.6 of 2012 dated 28.11.2012 on the file of Sub Judge, Nagapattinam, confirming the Judgment and Decree in O.S.No.327 of 2009 dated 01.12.2011 on the file of District Munsif, Nagapattinam.

For Appellant : Ms.S.R.Sumathy
No appearance

For Respondents : No appearance

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J U D G M E N T

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When the matter is taken up for hearing in the morning session, none appeared on behalf of the appellant and in the interest of justice, this Court passed over the matter. Again when the matter is taken up for hearing at 02.15 p.m., none appeared on behalf of the appellants.

2.Earlier, when the matter was listed on 08.08.2024 and 13.08.2024, learned counsel for the appellant was not ready to argue the matter and took adjournments. Again when the matter was listed on 20.08.2024, there was no representation on behalf of the appellant and the matter was directed to be listed today under the caption 'for dismissal'. Even today, there is no representation on behalf of the appellant. Despite sufficient opportunities given to the appellant, the appellant did not choose to argue the matter. Under such circumstances, this Court has no other option except to dismiss the Second Appeal for default.

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3. Accordingly, the Second Appeal is dismissed for default. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.08.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking Order
TK

To

1. The Subordinate Judge
Subordinate Court
Nagapattinam.

2. The District Munsif
Nagapattinam.

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R. SAKTHIVEL, J.

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