



SA(MD).No.875 of 2007

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

SA(MD).No.875 of 2007

M.Subbaiah

: Appellant

-VS-

Subramanian

: Respondent

PRAYER: The Second Appeal is filed under Section 100 C.P.C against the Judgment and decree, dated 18.06.2004 passed by the learned Subordinate Judge, Ambasamudram in A.S.No.3 of 2003 confirming the Judgment and decree passed in O.S.No.42 of 1999, dated 19.11.2002 by the learned Additional District Munsif, Ambasamudram.

For Appellant : No appearance

For respondent : No appearance

JUDGMENT

This Second Appeal was filed by the plaintiff aggrieved by the



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concurrent findings recorded by the trial Court as well as the Appellate Court.

2. The appellant was aged about 73 years in the year 2005 when the Second Appeal was filed. Earlier, this matter was listed on 04.01.2024 before this Court as there was no representation on either side and hence, the matter was again listed on 24.01.2024. Even on 24.01.2024, there was no representation for the appellant and hence, the same was directed to be listed today under the caption for dismissal. Today, in spite of the appeal being listed under the caption for dismissal, there is no representation for the appellant during pre-lunch or post lunch session.

3. In the circumstances, this Court is left with no other option except to dismiss this Second Appeal for non prosecution. Accordingly, the Second Appeal is dismissed for non prosecution. No costs.

01.02.2024

Internet : Yes / No
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To

1. The Subordinate Judge, Ambasamudram
2. The Additional District Munsif, Ambasamudram.



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MUMMINENI SUDHEER KUMAR. J.

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