



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

S.A.(MD) No.320 of 2013
and
CRP.(MD) No.270 of 2018
and
C.M.P.(MD) No.1184 of 2018

In S.A.(MD) No.320 of 2013:

Susila

... Appellant

vs.

1.Xavier

2.P.E.Kamal

...Respondents

Prayer:- Second Appeal filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 28.02.2013 in A.S.No.141 of 2012 on the file of the Principal Sub Court, Tirunelveli reversing the judgment and decree dated 18.06.2012 passed in O.S.No.242 of 2009 on the file of the II Additional District Munsif Court, Tirunelveli.

For Appellant : No appearance

For R1 : Mr.M.P.Senthil

For R2 : Mr.K.Navaneetharaja



In CRP.(MD) No.270 of 2018:-

Suseela

... Petitioner

vs.

Kamal

... Respondent

PRAYER:- This Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.11.2017 passed in I.A.No.149 of 2017 in O.S.No.30 of 2014 on the file of the Additional Sub Court, Tirunelveli.

For Petitioner : No appearance

For Respondent : Mr.K.Navaneetharaja

COMMON ORDER

Challenging the judgment and decree dated 28.02.2013 in A.S.No.141 of 2012 on the file of the Principal Sub Court, Tirunelveli, reversing the judgment and decree dated 18.06.2012 passed in O.S.No.242 of 2009 on the file of the II Additional District Munsif Court, Tirunelveli, the above second appeal had been filed.

2. The above Civil Revision Petition had been filed challenging the order dated 21.11.2017 passed in I.A.No.149 of 2017 in O.S.No.30 of 2014 on the file of the Additional Sub Court, Tirunelveli.



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3. A perusal of record would shows that the first respondent in S.A.(MD) No.320 of 2013 was earlier represented by a counsel, Mr.M.P.Senthil, from whom he had taken a change of vakalat as early as on 15.08.2022. Thereafter, when the matter was listed on 06.09.2024, one Mr.Selvam, learned counsel represented that he has entered appearance on behalf of the appellant, who is also the petitioner in CRP.(MD) No.270 of 2018. However, on 20.09.2024, when the matter was listed, Mr.Selvam, learned counsel, did not appear and the Registry was directed to verify as to whether he has entered appearance on behalf of the appellant and the matter was directed to be listed on 27.09.2024. When the matter came up on 27.09.2024, this Court was informed by the Registry that the Vakalat had not been filed and therefore, the name of the appellant was directed to be printed and the matter was directed to be listed today. Once again, there is no representation on behalf of the appellant today.

4. Therefore, this Second Appeal stands dismissed for default and consequently, CRP.(MD) No.270 of 2018 stands dismissed. No costs. Connected Miscellaneous Petition is also closed.

Index : Yes / No
Internet : Yes/ No

04.10.2024

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To

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1. The Principal Sub Judge,
Tirunelveli.
2. The II Additional District Munsif,
Tirunelveli.
3. The Section Officer, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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P.T.ASHA, J.

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S.A.(MD) No.320 of 2013
and
CRP.(MD) No.270 of 2018

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