



A.S.(MD).No.29 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

A.S(MD)No.29 of 2021

M.Sundar

... Appellant/Plaintiff

-vs-

P.Kanga (Sole Defendant – Died during pendency of Suit)

1. A.Subramanian
2. A.Pannerselvam
3. A.Murugan
4. John Chelladurai

... Respondents/Defendants

(Respondents 1 to 3 above named have not contested the Suit and no relief was also claimed as against the respondents 1 to 3 above named either in the suit or in this appeal. Hence, they are given up in this appeal as unnecessary parties)

PRAYER: First Appeal filed under Section 96 R/w Order XVI Rule 1 of the Civil Procedure Code, against the judgment and decree dated 07.03.2020 made in O.S.No.63 of 2017 on the file of the VI Additional District Court, Madurai.



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For Appellant : No appearance

For R1 to R3 : Given up

For R4 : Mr.J.Barathan

J U D G M E N T

When the matter was taken up for hearing on 31.01.2024, the learned counsel appearing for the appellant reported “No instructions” from the appellant. Hence, this Court directed the Registry to issue notice to the appellant and posted the matter on 14.02.2024. Thereafter, the matter was taken up for hearing on 14.02.2024. On the said date, service of notice was awaited for the appellant. Hence, the matter was posted on 22.02.2024. Thereafter, the matter was taken up for hearing on 22.02.2024. On that date also, the learned counsel appearing for the appellant reported “no instructions” from his client the notice sent to the appellant returned with an endorsement as “No residence”. Hence, this Court directed the Registry to print the name of the appellant in the cause list and posted the matter on 26.02.2024.



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2. Even today i.e., on (26.02.2024), the name of the appellant is printed in the cause list, none appeared on behalf of the appellant. Hence, this First Appeal is dismissed for non prosecution. There shall be no order as to costs.

26.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The VI Additional District Court,
Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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