



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 12.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**A.S(MD)No.165 of 2015
and
M.P(MD)No.1 of 2015**

Rajaish Samuel Lazarus
represented by his power agent Padmini Lazarus.
... Appellant/Plaintiff

.Vs.

Thangaiah Lazarus(died)
D.M.Lazarus(deceased)

1.Mohan Lazarus @ Moses

2.C.Stanley Manoharan

3.C.Martin Prabhakaran

4.R.Nandakumar
... Respondents/Defendants

PRAYER: Appeal Suit filed under Section 41 Rule 1(A) r/w Section 96 of the Civil Procedure Code against the judgment and decree made in O.S.No.38 of



2012, dated 11.2.2015, on the file of Principal District Court, Madurai.

For Appellant	: Mr.Rajaish Samuel Lazarus Appellant-in-person
For Respondent-1	:Dismissed for default vide order dated 21.01.2019
For Respondent-2	:Mr.S.Anand Chandrasekar for M/s.Sarvabhauman Associates
For Respondent-3	:Mr.R.Subramanian

JUDGMENT

(Order of the Court was made by **P.VELMURUGAN,J**)

When the matter is taken up for hearing today, there is no representation on behalf of the appellant, who appeared in person. In the previous hearing date, the learned counsel for the appellant filed a memo stating that the appellant had took away the bundle from him along with signature obtained in No Objection letter for engaging a new counsel and for filing fresh vakalath on behalf of him. Hence, the learned counsel for the appellant on record withdrew his appearance. Therefore, Registry is directed to print the name of the appellant in the cause-list and to list the matter under the caption “for dismissal” on 12.08.2024.



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2. Today the matter has been listed under the caption “for dismissal” by printing the name of the appellant in the cause-list. Despite the same, none appeared on behalf of the appellant either in person or through counsel. Therefore, this Court has no other option except to dismiss the appeal suit for non-prosecution.

3. In view of the same, the Appeal Suit is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
12.08.2024

NCS : Yes/No

Index : Yes / No

Internet : Yes / No

vsn



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To

1. The Principal District Judge,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn

JUDGMENT MADE IN

A.S(MD)No.165 of 2015
and
M.P(MD)No.1 of 2015

12.08.2024