



S.A.No.1629 of 2004

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

S.A.No.1629 of 2004

and

C.M.P.No.12840 of 2004

Kasinathan

... Appellant/Appellant/
Plaintiff

Vs.

Chinnadurai Padaiyatchi

... Respondent/Respondent/
Defendant

Prayer: Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 27.06.2002 made in A.S.No.15 of 2002 on the file of the Court of Additional District Judge and Chief Judicial Magistrate, Thanjavur at Kumbakonam, confirming the judgment and decree dated 29.10.1999 made in O.S.No.370 of 1991 on the file of the Court of Additional District Munsif-I, Kumbakonam.

For Appellant : No appearance

For Respondent : Mr.Anand Chandrasekar
for M/s.Sarvabhauman Associates



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JUDGMENT

This appeal is filed against the concurrent findings recorded by the learned trial Court and the learned lower appellate Court.

2. Learned counsel for the appellant reported that he has returned the bundle along with change of vakalath to the appellant as early as on 19.11.2009. This Court, having taken note of the same, ordered notice to the appellant and accordingly, the notice was served on the appellant on 04.12.2009. In spite of the same, the appellant has not chosen to appear before this Court or to engage a counsel. In spite of the name of the appellant being printed in the cause list, there was no appearance for the appellant on 08.02.2024. Hence, the matter was directed to be listed under the caption 'for dismissal'.

3. Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the appellant. In the circumstances,



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this Court is left with no other option, except to dismiss the second appeal for non-prosecution.

4. Accordingly, this Second Appeal is dismissed for non-prosecution. However, there shall be no order as to costs. Consequently, connected miscellaneous petition, if any, shall stand closed.

09.02.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

1.The Additional District Judge and
Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

2.The Additional District Munsif-I,
Kumbakonam.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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