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A.S. NO.761 OF 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

Appeal Suit No.761 OF 2009

N. Periyasamy

... Appellant /  
Defendant

**Vs.**

Eswaran

... Respondent /  
Plaintiff

**PRAYER** : This Appeal Suit filed under Section 96 of the Civil Procedure Code 1908, praying to set aside the Judgment and Decree dated January 30, 2009 made in O.S.No.183 of 2006 on the file of the Additional District Court / Fast Track Court No.1, Erode by allowing this appeal before this Court.

For Appellant : No appearance

For Respondent : Mr.R.Agilesh

### **J U D G M E N T**

This matter is listed today under the caption 'for dismissal'.

2. When the matter was listed on 12.06.2025, this Court observed as follows:-

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*" No representation for the appellant.*

*2. The learned counsel for the respondent is present.*

*3. At request of the learned counsel for the respondent, this Appeal suit is adjourned to 18.06.2025."*

3. Subsequently, when the matter was listed on 18.06.2025, this

Court has observed as follows:-

*" There is no representation for the appellant.*

*2. Mr.R.Agilesh, learned counsel for the respondent is before this Court and he is ready to argue the matter.*

*3. On perusal of the records, it is seen that the connected appeal in A.S.No.897 of 2009 was dismissed on 10.12.2014.*

*4. Despite sufficient time being given the appellant did not choose to contest the case. However, with a view to give one more opportunity to the appellant, post this matter on 24.06.2025 under the caption 'for dismissal'. "*

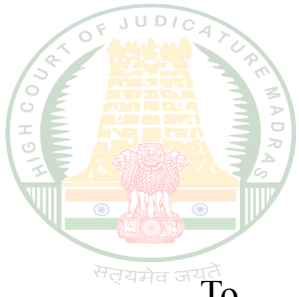
4. Accordingly, the matter is listed today under the caption 'for dismissal'. Even today, there is no representation for the appellant. The learned counsel for the respondent is present. Despite sufficient opportunity is given, no one represented on behalf of the appellant. Hence, this Appeal Suit is dismissed for default. Considering the facts and circumstances, there shall be no order as to costs.

**24.06.2025**

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No



4.S. NO.761 OF 2009

To

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The Additional District Court /

Fast Track Court No.1, Erode



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**R.SAKTHIVEL, J.**

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