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S.A.No.1129 of 2009



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

**S.A No.1129 of 2009 and
M.P.No.1 of 2009**

M.Palani

... Appellant / Plaintiff

Vs.

Chandra

... Respondent / Defendant

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree in A.S.No.1 of 2009 dated 15.06.2009 on the file of the learned Principal District Judge, Villupuram, confirming the judgment and decree made in O.S.No.88 of 2009 dated 28.08.2008 on the file of the learned Principal Subordinate Judge, Villupuram.

For Appellant : Mr.A.Malath Devapriyam



JUDGMENT

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This Second Appeal has been filed to set aside the judgment and decree in A.S.No.1 of 2009 dated 15.06.2009 on the file of the learned Principal District Judge, Villupuram, confirming the judgment and decree made in O.S.No.88 of 2009 dated 28.08.2008 on the file of the learned Principal Subordinate Judge, Villupuram.

2. The plaintiff in O.S.No.88 of 2007 on the file of the Principal Sub Court, Villupuram is the appellant herein. The said suit had been filed seeking specific performance of an agreement of sale dated 12.04.2007. By judgment dated 28.08.2008, the suit was dismissed. Thereafter, an appeal has been filed in A.S.No.1 of 2009 before the Principal District Court at Villupuram. By judgment dated 15.06.2009, the appeal suit was also dismissed. The sole respondent / defendant had died pending the appeal. On 10.02.2023, a learned Single Judge of this Court had observed as follows:

"The above matter is listed today under the caption 'default cases', for non-compliance of the requirements of the Registry, including the payment of batta.

2.The concerned counsels are directed to pay the batta and to comply with the order requirements of the Registry, on



or before 03.03.2023 as a last chance, and to file proof of compliance, immediately, thereafter.

3. On non-compliance of the requirements of the Registry, on or before the specified date, as directed by this Court, the Second Appeal shall stand dismissed, automatically, in so far sole respondent is concerned, without further reference to this Court."

3. The Registry had put up the note on 06.06.2025 as follows:

"Steps not taken till 03.03.2023 regarding sole respondent."

4. In view of all these circumstances and also since steps have not been taken as directed, this Second Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19-06-2025

Index : Yes / No

Internet : Yes

Speaking / Non-Speaking Order

gsk



S.A.No.1129 of 2009



C.V. KARTHIKEYAN,J.
gsk

To
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- 1.The Principal District Judge,
Villupuram.
- 2.The Principal Subordinate Judge, Villupuram.

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M.P.No.1 of 2009**

19.06.2025