



AS.No.113 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

AS No. 113 of 2022

AND

CMP NO. 4284 OF 2022

K.Balakrishnan

S/o.Late.M.Kannakurup,

Old No.21-A, Madhavapuram East

Street, Alandur,

Chennai 600 016.

...Appellant(s)

Vs.

1. Mr.K.Prabakaran

S/o.Late.M.Kannakurup, Nandukandi

House, Ramanattukara, Calicut, Now at

No. 157/1, VambuliammanKoil Street,

Madipakkam, Chennai 600 091.

2. K.Gopinath

S/o.late.M.Kannakurup

No. 157/1, VambuliammanKoil Street,

Madipakkam, Chennai 600 091.

3. K.Padmavathy

D/o.late.M.Kannakurup

W/o. K.Padbanaba Nambiar, Bharatiar

Nagar, Second Street, Ernavur,

Chennai 600 057.



4. K.Thangam

D/o.late.M.Kannakurup W/o.Narayana
Nambiar, No. 121/24, Fourth Street,
West Balaji Nagar, Kallikuppam,
Ambathur, Chennai 053.

5. K.Ramadevi

D/o.Late.M.Kannakurup
W/o.K.Chandran, Cheriamaniyoth
House, Vellikkulangare,
Vadakara, Calicut.

... Respondent(s)

Prayer:- Appeal Suit has been filed under Section 96 and Order 41, Rule 1 of C.P.C., to set aside the Decree and Judgment passed by the Trial Court in O.S.No. 6545 of 2011 dated 30.01.2020 on the file of the VII Additional City Civil Court, Chennai.

For Appellant(s): Mr.K.J. Parthasarathy

For Respondent(s): Mr.J. Saravana Vel, for R2 to R5
R1-Died

ORDER

When the case was listed on 04.06.2025, the learned counsel for the 1st respondent submitted that the 1st respondent died on 17.11.2024 and the same was intimated to the appellant's counsel. Accordingly, the case was posted on 17.11.2024 for taking necessary steps to bring the legal representatives of the



deceased respondent on record and the matter was adjourned by three weeks.

Subsequently, when the case was listed on 25.06.2025, the Registry was directed to post the matter along with the legal representative petition and the matter was adjourned. Once again, on 14.07.2025, when the case was listed, the learned counsel for the appellant is not ready and the matter was adjourned to 15.07.2025.

2. Today, when the case was taken up for hearing, the learned counsel for the appellant, despite granting adjournments, is not ready to argue the matter and he has also not taken steps to bring on record the legal heirs of the 1st respondent. Due to the non-cooperation of the learned counsel, the case could not be decided on merits.

3. Hence, the Appeal Suit is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

15-07-2025

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G.JAYACHANDRAN J.

bsm

To,

1. The VII Additional City Civil Court, Chennai.
2. The Section Officer, V.R.Section, High Court, Madras.

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