



AS No. 255 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

AS No. 255 of 2022

1. D.Sundar Raj
S/o.P.David Door No. 648, Boys
Company, Barracks Post, Wellington,
Coonor, The Nilgiris.

Appellant(s)

Vs

1. State Bank of India
a Bank Constituted under the State
Bank of India Ac, 1955, having its
Central Office situated at Bombay and
having Branch office among other
places at Coonoor acting through and re
by its Chief Manager and duly
Authorised Officer at Coonoor Branch.
Shri B.Shammuga Sundaram S/o. Sri
Balasubramani State Bank of India
Coonoor.

Respondent(s)

PRAYER: This appeal has been filed under Section 96 of the Code of Civil Procedure, to against the Judgment and Decree dated 30.07.2007, made in OS No. 52 of 2005 on the file of the District Court at Nilgiris at Udhagamandalam.



For Appellant(s): No appearance
For Respondent(s): M/s.J.Pothiraj

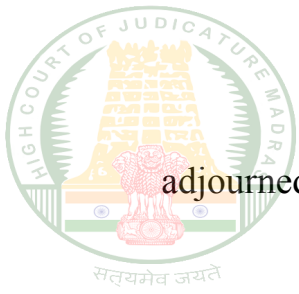
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JUDGMENT

This appeal has been filed against the Judgment and Decree dated 30.07.2007 in OS No. 52 of 2005 on the file of the District Court at Nilgiris, Udhagamandalam.

2. A perusal of the record reveals that O.S.No.52 of 2005, on the file of the District Judge, Nilgiris filed for realisation of loan amount advanced by the State Bank of India against the mortgage of the defendant's property was allowed on 30.07.2007. Challenging the preliminary decree, on the appeal was filed by the sole defendant as early as 01.04.2009, with delay and defects. It has taken about 11 years for the counsel to rectify the defect and get it numbered as A.S.No.255 of 2022. Meanwhile, as per the procedures prevailing at that time, draft notice was sent to the parties, including the appellant, by the Registry. The notice sent to the appellant returned with postal endorsement that the addressee is "deceased"; in other words, the appellant had died before his appeal could be numbered, since it has taken more than 11 years to get the appeal numbered.

3. In such circumstances, when the matter was listed before this Court, counsel by name Mr.R.Udayakumar has appeared before this Court and sought time to get instructions from the legal heirs of the Sundararajan, and filed his vakalat. Accordingly, this Court has adjourned the matter to 03.04.2025. On that day, again, the counsel had taken adjournment and hence, the matter was



adjourned to 23.04.2025, thereafter, on 06.06.2025.

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4. Today also, there is no representation for Mr.R.Udhayakumar, who undertook to file vakalat after getting instructions from the legal heirs of the deceased appellant, did not turn up. The counsel for the respondent/Bank is present.

5. Interestingly, this Court also finds that the appeal was preferred and filed by Mr.Srinath Sridevan, T.K.Bhaskar and K.Harishankar, having office at No.120, New Law Chambers, High Court, Chennai-104. Later, the party has withdrawn the vakalat and had re-presented the papers as party in-person and got the appeal numbered with a delay as stated above.

6. Considering the facts as narrated above, the appeal stands dismissed as abated. No costs.

06-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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2. The Judge, District Court at Nilgiris

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Dr. G.JAYACHANDRAN J.

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