



CMP(MD) No.124 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
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Wednesday, the Fourth day of June Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CMP(MD) No.124 of 2023

in

AS(MD)No.69 of 2007

INDIAN BANK

REP BY ITS ASST.GENERAL MANAGE,
31, RAJAJI SALAI, MADRAS-1.

... PETITIONER/ APPELLANT

Vs

1 M.A.V.R. NADARAJA NADAR AND SONS,
A PARTNERSHIP FIRM REP. BY ITS PARTNER,
SRI M.A.V.R NADRARAJA NADAR, 2/2-A-1,M.M.ROAD,
VIRUTHUNAGAR.

2 M.A.V.R.NADARAJA NADAR,

3 R.N.RAMESH,

4 M/S.P.R.K NADAR AND CO., A PARTNERSHIP,
FIRM,REPRESENTED BY ITS PARTNERS
SRI, PR.K.J. NAGARAJAN, PATTVEERAN PATTY,
DINDIGUL DISTRICT.

5 M/S.P.R.KARUPPIAH NADAR AND CO,
A PARTNERSHIP,, FIRM,REPRESENTED BY ITS PARTNERS SRI,
PR.K.J. NAGARAJAN, PATTVEERAN
PATTY, DINDIGUL DISTRICT.

... RESPONDENTS/RESPONDENTS



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For Petitioner : No appearance

For Respondents 1 to 5 : No appearance

ORDER

The plaintiff in O.S.No.175 of 1981 on the file of the learned Subordinate Judge Srivilliputhur have filed the above appeal challenging the dismissal of the suit for recovery of amount. The appeal was from 2010 onwards. The appeal was posted before this Court under the caption for service on notice. On 24.07.2017, when the matter was taken up for hearing there was no representation on behalf of the appellant and the case was posted under the caption “for dismissal” on 25.07.2017. On 25.07.2017, the case was adjourned to 10.08.2017 at the request of the learned counsel for the appellant. Even after several adjournments, again there was no representation on behalf of the appellant. Thereafter, the case was posted under the caption “for dismissal” on 10.10.2017. Once again, there was a request for adjournment and again there was no representation on behalf of the appellant. Hence, the case was posted under the caption “for dismissal” on 27.02.2024 and 04.03.2024. On 04.03.2024 there was no representation and hence, above A.S.No.69 of 2007 has been dismissed for non prosecution.



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2. Thereafter, the appellant has filed this application in CMP(MD)No.124 of 2023 to restore the same. This Court directed to take order notice and adjourned the case periodically. Thereafter on several occasions there was no representation on behalf of the appellant. Hence, on 03.06.2025, the case was posted under the caption “for dismissal” on 04.06.2025. Today also there is no representation on behalf of the appellant. Even though number of opportunities were given to the appellant, there was no representation. Therefore, this civil miscellaneous petition is dismissed for non prosecution with a direction to the appellant to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable to the credit of the Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No:30700985498, State Bank of India, Tiruchuli, IFSC Code:SBIN0003832, within a period of four weeks from the date of receipt of a copy of this order. For compliance on 03.07.2025

sd/-
04/06/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RGM

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TO
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THE PRINCIPAL DISTRICT JUDGE,
MADURAI.

COPY TO:
THE HEAD MASTER,
SETHUPATHI GOVERNMENT HIGHER SECONDARY SCHOOL,
TIRUCHULI

ORDER
IN
CMP(MD) No.124 of 2023
in
AS(MD)No.69 of 2007
Date :04/06/2025

SS/SAR- /11/06/2025/ 4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023