



SA.No.1058 of 2000

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

SA.No.1058 of 2000

A.P.Subramanian

: Appellant

-VS-

1.Tamil Nadu Electricity Board,
by its Superintending Engineer,
Tamil Nadu Electricity Board,
Distribution Circle South,
Trichy – 20.

2.Tamil Nadu Electricity Board,
by its Executive Engineer,
Tamil Nadu Electricity Board,
(Operation) and Maintenance,
Karur.

3.Assistant Executive Engineer,
(Operation and Maintenance)
Tamil Nadu Electricity Board,
Chinnatharapuram Town,
Karur Taluk.

4.Junior Engineer (Rural),
Tamil Nadu Electricity Board,
Chinnatharapuram Town,
Karur Taluk.

: Respondents



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PRAYER: The Second Appeal is filed under Section 100 C.P.C to set aside the Judgment and Decree, dated 09.06.2000 in A.S.No.104 of 1999 on the file of the Additional District Judge – Cum – Judicial Magistrate,, Karur and against the Judgment and decree dated 21.01.1997 in O.S.No.96 of 1994 on the file of the Court of the District Munsif, Karur.

For Appellant : No appearance

For respondents : No appearance

JUDGMENT

This appeal was earlier dismissed for non prosecution on 10.12.2008 and the same was restored on 13.11.2017. Thereafter, once again the Second Appeal was dismissed for default on 18.11.2021. However, the same was restored once again by order, dated 19.10.2023 and thereafter, the matter was listed on 02.01.2024. On that day, at the request of the appellant counsel the matter was finally posted to 08.01.2024. Once again, a request was made for adjournment on 08.01.2024 and the same was listed on 10.01.2024. There was no representation on either side on 10.01.2024 and hence, the matter was directed to be listed today i.e., on 31.01.2024 under the caption “for dismissal”. In spite of the matter being



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listed today, under the caption for dismissal there is no representation for the appellant once again.

2. The Second Appeal was filed by the plaintiff aggrieved by the concurrent findings recorded by the Courts below. The appeal was already dismissed for non prosecution twice and the matter was restored, but the appellants are not interested in pursuing the matter on merits.

3. In the circumstances, this Court is left with no other option except to dismiss this appeal for non prosecution once again. Accordingly, this Second Appeal is dismissed for non prosecution. No costs.

01.02.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Additional District Judge – Cum – Judicial Magistrate,, Karur

2. The District Munsif, Karur.



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MUMMINENI SUDHEER KUMAR. J.

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