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A.S.No.401 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

A.S.No.401 of 2018

and

C.M.P.Nos.10648 of 2018 & 14633 of 2019

B.Pragadeesh

... Appellant

Vs

1.R.Kandaswamy Gounder

2.K.Baladhandapani

3.B.Renugadevi

... Respondents

PRAYER:

This Appeal Suit is filed under Section 96 of C.P.C., against the fair and decreetal dated 12.12.2017 in I.A.No.114 of 2017 in O.S.No.77 of 2016 on the file of the learned IV Additional District and Sessions Judge Court, Coimbatore.

For Appellant : Mr.C.R.Prasanan

For R1 & R2 : Mr.S.Thangavel



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JUDGMENT

When the matter came up for hearing on 19.12.2025, the learned counsel for the appellant reported no instructions from his client and sought permission to file a memo to that effect. Accordingly, the Registry was directed to print the name of the appellant in the cause list.

2. Today, i.e., on 05.01.2026, when the matter was taken up for hearing, the name of the appellant was printed in the cause list; however, none appeared on behalf of the appellant.

3. The learned counsel for the appellant has filed a memo dated 02.01.2026 reporting no instructions from his client, which reads as follows:

“In the above matter, the learned counsel for the 1st respondent filed a memo dated 26.10.2021 stating that the matter has been settled between the parties. Subsequently it has been informed by the undersigned who is the counsel appearing for the appellant through a letter dated 27.10.2021 addressed to the appellant. Thereafter, the undersigned counsel talked to the appellant over phone. The appellant told him that he would send a letter to him stating that the matter had been settled. However, despite reminders, the appellant did not send any letter. Hence, when the matter came up for hearing before this Hon’ble Court on 19.12.2025, the undersigned reported no instructions as he could not get any concrete information about the fact that the matter had been settled between the parties, in writing. The present memo is therefore filed. The undersigned counsel has



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also sent a letter dated 23.12.2025 to the appellant stating that no instructions had already been reported and that a memo would be filed, for which purpose the matter stood adjourned to 05.01.2026. The appellant did not provide any instructions to the undersigned either by way of a letter or through phone till this date.

It is prayed that this Hon'ble Court may be pleased to record "no instructions" reported on 19.12.2025 for the appellant through this memo in the above first appeal and thus render justice."

4. Recording the aforesaid memo, this Appeal Suit is dismissed for non prosecution. No costs. Consequently, the connected miscellaneous petitions are closed.

05.01.2026

cda

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1.The IV Additional District and Sessions Judge,
Coimbatore.

2.The Section Officer,
VR Section,
High Court of Madras,
Chennai.



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DR. A.D. MARIA CLETE, J

cda

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