

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.03.2008

CORAM

THE HONOURABLE MR. JUSTICE S.J.MUKHOPADHAYA
AND
THE HONOURABLE MR. JUSTICE R.SUBBIAH

O.S.A. NO. 404 OF 2003

R.S.Sivaswami

.. Appellant/Petitioner

- Vs -

S.Soundarammal

.. Respondent/1st Respondent

Appeal filed against the order dated 30th July, 2003, passed by learned single Judge in Application No.1985/03 in O.P. No.488/02.

For Appellant : No Appearance

For Respondent : Mr. J.Krishnamachary

JUDGMENT

(JUDGMENT OF THE COURT WAS DELIVERED BY S.J.MUKHOPADHAYA, J.)

In the original petition, the 1st respondent, S.Soundrammal, filed application for condonation of delay of 4 days in filing the affidavit in support of caveat in O.P. No.488/02. It was registered as application No.1985/03 and by impugned order dated 30th July, 2003, learned Judge, after hearing the parties condoned the delay and directed to convert O.P. No.488/02 as T.O.S. The present appeal was preferred against the said order by which petition for condonation was allowed.

2. Learned counsel appearing on behalf of the appellant submits that the appellant has taken away the entire paper book and a non objection from the counsel. Learned counsel appearing on behalf of the respondent submits that the suit is pending since long and the respondent is now aged about 93 years and, therefore, the suit should be expedited.

3. In the present appeal, as no representation is made on behalf of the appellant to pursue the appeal, we dismiss the appeal for non-prosecution. The suit may proceed. There shall be no order as to costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

GLN

To

The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.J.Krishnamachary, Advocate Sr 17705

NG (CO)
km/10.4.

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