

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CCCAMP.No.553 of 2014

In/and

CCCA.No.41 of 2000

Date:02.04.2015

CCCA.No.41 of 2000

Between:

The Govt of A.P., repled by the Secretary,
Health Department, Hyderabad and three others.

.....Appellants

And:

Rafatunnissa Begum, W/o Late Mir Asad Ali

...Respondent

Counsel for the appellants: None appeared

Counsel for Respondent Nos.2 to 6: Ms Manjari S.Ganu

The Court made the following:

COMMON ORDER:

CCCAMP.No.553 of 2014 is filed by applicant Nos.2 to 6, who are the legal representatives of non-applicant No.1-sole respondent in the appeal, for dismissing the appeal as abated. Along with this application, the applicants have filed letter, dated 09.07.2014, addressed by S.Krishna Reddy, learned counsel

appearing for the deceased sole respondent, to the learned Advocate General of the State of Telangana, to the effect that the sole respondent died on 30.01.2009 leaving behind applicant Nos.2 to 6. The seal on the said letter shows that the same was served on the office of the learned Advocate General of the State of Andhra Pradesh on 16.07.2014. When this Court has pointed out that the said notice was not served on the office of the learned Advocate General of the State of Telangana, learned counsel for the applicants submitted that evidently, the office of the learned Advocate General of the State of Telangana has not changed the seal as, it came into existence a few days prior to service of the said letter and that in any event, at least after service of the present application on 18.11.2014 on the office of the learned Advocate General of the State of Telangana, no application is filed by the appellants for setting aside the abatement.

No counter-affidavit is filed opposing this application.

Learned counsel representing the learned Advocate General of the State of Telangana appearing for the appellants requested for an adjournment for filing an application for setting aside the abatement.

In my opinion, at least after 18.11.2014, on which date this application was served on the office of the learned Advocate General of the State of Telangana, the appellants ought to have shown diligence in filing the application for setting aside the abatement. For more than four months no such attempt is made. In view of the same, this Court has no option other than allowing CCCAMP.No.553 of 2014 and the same is, accordingly, allowed.

As a sequel to disposal of CCCAMP.No.553 of 2014, the appeal is dismissed as abated and interim order, dated 27.03.2000, is vacated and CCCAMP.No.3819 of 2000 is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

02nd April, 2015

DR