

**HON'BLE SRI JUSTICE M. SATYANARAYANA
MURTHY**

APPEAL SUIT No.1461 of 1997

JUDGMENT :

The defendants in O.S.No.158 of 1998 on the file of the Principal Subordinate Judge, Eluru, filed this appeal against the preliminary decree dated 26.08.1997 declaring that the plaintiff-Chekka Venkata Jayalakshmi is entitled to 1/3rd share in Item No.2 of the plaint B-schedule property and she was an un-married sister of the defendants/appellants.

2. During pendency of this appeal, the said Chekka Venkata Jayalakshmi ie., respondent in the appeal died on 09.09.2001 leaving behind the appellants (defendants) to succeed her estate. In view of the succeeding the estate of the respondent herein, the appellants became owner of 1/3rd share of plaint B-schedule property, therefore, the cause does not survive.

3. The appellants filed a memo reporting about the death on 13.03.2002 and succeeding the share of the respondent. Hence, the appeal suit has become infructuous as the appellants themselves became the owners of the 1/3rd share of the respondent.

4. Accordingly, the appeal suit is dismissed as infructuous. No costs.

5. Miscellaneous Petitions, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

7th September 2015.

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