

HONOURABLE SRI JUSTICE S.RAVI KUMAR

SECOND APPEAL No.853 OF 1997.

Dated 8th April, 2015

Between:

Shaik Baji Saheb and others.

...Appellants.

And:

B.S.Allabakash and others.

...Respondents.

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SECOND APPEAL No.853 OF 1997.

JUDGMENT:

This appeal is preferred against judgment and decree dated 19-2-1996 in A.S.No.102 of 1989 on the file of District Judge, Chittoor whereunder judgment dated 21-10-1989 in O.S.No.649 of 1974 on the file of II Additional District Munsif, Chittoor is confirmed.

The suit was filed for partition and trial court directed that items 1 to 3 of plaint schedule property shall be divided into three equal shares and plaintiffs be allotted one such share and be put in separate possession of the share allotted to them and suit in respect of item No.4 was dismissed.

Defendants preferred appeal to the District Court and plaintiffs filed cross-objections in respect of refusal item 4 of plaint schedule property and the appellate court on a reappraisal of oral and documentary evidence dismissed the appeal and cross-objections.

Now the defendants 2 to 6 preferred this Second Appeal.

When this matter is listed on 4-2-2015, appellants were permitted to publish the notice of respondents 9 to 14 by way of substitute service and to file proof of publication within one month and posted the case to 4-3-2015. On 6-3-2015, there was no representation and the case was adjourned to next week and it is again listed on 20-3-2015 and

on request of advocate for appellants, it was adjourned by 10 days by making it clear that no further adjournment will be granted and when the matter was listed on 1-4-2015, advocate for appellant requested for time by one week and accordingly, matter is listed to today.

In spite of granting adjournments, no interest is evinced in prosecuting the case. Today, there is no representation for the appellants till 3 P.M.,

As the appellants have not evinced any interest, I feel that appeal has to be dismissed for default.

Accordingly, this Second Appeal is dismissed for default. No costs.

As a sequel to the disposal of this appeal, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI KUMAR

Dated 8th April, 2015

Dvs

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