

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

A.S.M.P.No.1137 of 2015

and

APPEAL SUIT No.582 of 2010

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JUDGMENT:

No representation for the respondents.

A.S.M.P.No.1137 of 2015 is filed under Order XXII Rule 9 of C.P.C. to dismiss the appeal as abated on account of death of the sole appellant - Rayakota Appa Rao on 08.09.2011 and no steps have been taken to implead the legal heirs of the deceased appellant.

Learned counsel for the petitioners/respondent Nos.1 and 5 also filed a copy of Death Certificate issued by Registrar, Births and Deaths Registration, Secunderabad Cantonment, which shows that the sole appellant died on 08.09.2011, but no steps have been taken to implead the legal heirs.

In view of Order XXII Rules 3 and 4 of C.P.C., when no steps were taken to implead the legal heirs of the deceased plaintiff or defendant, the suit is deemed to have been abated by operation of law.

Hence, the A.S.M.P. is allowed.

In view of the order passed in A.S.M.P., the Appeal is dismissed as abated, but without costs, in the circumstances.

Consequently, Miscellaneous Petitions, if any, pending in this Appeal shall stand closed.

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M.SATYANARAYANA MURTHY, J

Date: 29.06.2015

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