

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CIVIL MISCELLANEOUS APPEAL No. 1154 of 1997

Date: 11.11.2016

Between:

Dwibhashyam Venkata Chalapathi Rao,
S/o. Balarama Krishnamurthy,
Kakaraparru, Tanuku,
West Godavari District.

..... Appellant

And:

Smt. Dwibhashyam Surya Kumari,
W/o.Venkata Chalapathi Rao,
Tanuku, and others.

.....Respondents

Counsel for the Appellant: N.A.

Counsel for Respondent No.1: MR. Y. RAMA RAO

Counsel for Respondent No.2 & 3: N.A.



The Court made the following:

JUDGMENT: *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Civil Miscellaneous Appeal arises out of order and decree dated 31.10.1996 in O.P.No.40 of 1990 on the file of the Subordinate Judge, Tanuku.

On 27.10.2016, no one appeared for the appellant, and therefore, the case was adjourned to 28.10.2016 with a direction to post the case under the caption "for dismissal". On 28.10.2016, the learned counsel for the appellant appeared and requested for an adjournment for getting instructions. Accordingly, the case was posted to 04.11.2016. On the said date, a counsel represented that Mr. C. Ramachandra Raju, learned counsel for the appellant, was not well and a request for an adjournment was made on that ground. The case was accordingly adjourned to today with the following observations:

'Since the case has undergone as many as 33 adjournments, we are adjourning the case with reluctance subject to the condition that further adjournment, for any reason, will not be granted.'

Today, when the case is called, there is no representation for the appellant.

A perusal of the proceeding sheet shows that it has chequered career. As far back as on 18.01.2000 this appeal along with C.M.A.No.1542 of 1998 was dismissed. However, the said order was recalled by order dated 15.03.2000. Since then, the case underwent about 30 adjournments.

In these facts of the case, we are of the opinion that the appellant does not appear to be interested in getting the dispute adjudicated on merits. Therefore, we find no option other than dismissing the Civil Miscellaneous Appeal for non-prosecution.

The Civil Miscellaneous Appeal is accordingly dismissed for non-prosecution.

As a sequel, C.M.A.M.P.No.2385 of 2006 stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

Date: 11.11.2016
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