

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CIVIL MISCELLANEOUS APPEAL No.839 of 2003

30.12.2016

Between:

Pillala Balamani

..Appellant

And

Pillala Saibaba Bhagvan Das

..Respondent

Counsel for the appellant: Mr.Tenneti Seetha Ramaiah
for Mrs.G.Anupama Chakravarthy

Counsel for the respondent: None appeared (notice not served)

The Court made the following:



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

This civil miscellaneous appeal is filed against the order and decree, dated 23.10.2002, in M.O.P.No.7 of 2001 on the file of the Additional Senior Civil Judge, Srikakulam, whereby he has granted decree for dissolution of marriage between the appellant and the respondent.

2. Mr.Tenneti Seeta Ramaiah, learned counsel representing the appellant, has submitted that Mrs.G.Anupama Chakravarthy, learned counsel for the appellant, has since been appointed as the District Judge and that Mr.G.Vivekanand, who is the counsel on record for the appellant, has no instructions in the appeal.

3. A perusal of the record shows that the case was adjourned many times to enable the appellant to file proof of service. Despite the repeated opportunities, the appellant could not file proof of service, as a result thereof, notice has not been served on the respondent so far. Considering the fact that the decree for dissolution of the marriage was granted by the Court below in October, 2002, and that though the appeal filed in 2003 has been pending for the last 13 years and so far, the respondent has not been served and the further fact that the counsel on record for the appellant has reported no instructions, it is reasonable to presume that the appellant is not interested in pursuing the appeal.

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

5. As a sequel to dismissal of the appeal, interim order, dated 20.02.2003, in C.M.A.M.P.No.3999 of 2003, is vacated and

C.M.A.M.P.No.3999 of 2003 filed by the appellant for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

30th December, 2016
GHN

