

THE HON'BLE SRI JUSTICE S.RAVI KUMAR

CIVIL MISCELLANEOUS APPEAL No.1191 of 2008

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JUDGMENT:

This Civil Miscellaneous Appeal is preferred against order dated 14.10.2004 in Succession O.P.No.550 of 1993 on the file of I Additional District Judge, Nellore. The appellants herein filed aforesaid Succession O.P claiming Succession Certificate and death benefits of Punuru Tirupalaiah. The very same appellants also filed suit to declare their right and title in respect of certain immovable properties and also sought for possession of those properties. These two matters are tried together and a common order is passed. Trial Court on elaborate consideration of oral and documentary evidence, recorded a finding that the claim of appellants is not tenable as marriage between P.W.1 and Tirupalaiah is not established so also paternity of the appellants. Questioning dismissal of Succession O.P., present appeal is preferred.

2. When the matter has come up on 09.06.2016, at request of appellants, one week time was granted. Now, when the matter is taken up today, neither Advocate for the appellants is present nor any representation is made on their behalf. Considering these aspects, I am of the view that the appellants are not interested in prosecuting the case. Therefore, the appeal is liable to be dismissed for non-prosecution.

3. Accordingly, the Civil Miscellaneous Appeal is dismissed for non-prosecution. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

S. RAVI KUMAR, J

JUNE 16, 2016

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Date: 16.06.2016

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