

HON'BLE SRI JUSTICE S. RAVI KUMAR

SECOND APPEAL No.699 of 2000

JUDGMENT:

This appeal is preferred challenging judgment and decree dated 17.09.1999 in A.S.No.87 of 1996 on the file of District Judge, Vizianagaram, whereunder, decree and judgment dated 17.06.1996 in O.S.No.2 of 1996 on the file of District Munsif (Junior Civil Judge), Kothavalasa is confirmed.

2. First respondent herein filed O.S.No.251 of 1982 for partition of the suit schedule properties and that suit was dismissed, against which, plaintiff preferred A.S.No.17 of 1994 and that appeal was allowed on 14.12.1992 and remitted back the suit to trial Court for fresh disposal and the trial Court renumbered the same as O.S.No.2 of 1996 and proceeded with trial and on a over all consideration of oral and documentary evidence, trial Court decreed the suit ordering partition of suit schedule property and passed a preliminary decree. Questioning the same, appellant herein preferred appeal to the District court in A.S.No.87 of 1996 and the District Court on a over all consideration of entire evidence, dismissed the appeal confirming the preliminary decree granted in favour of first respondent herein. Trial Court directed to divide the suit schedule property into 4 equal shares and allotted one such share to plaintiff and also granted mesne profit of Rs.150/- per year to be paid by third defendant i.e., appellant herein. Questioning the concurrent findings of trial Court and appellate Court, present appeal is filed.

3. When this matter is listed on 27.01.2016, on the request of appellant counsel, two weeks time is granted. Today when the matter is taken up for hearing, neither advocate for appellant

present nor there is any representation on behalf of appellant.

4. Advocate for respondent is present and submitted that there are no grounds to interfere with the concurrent findings of the Courts below.

5. As the appellant has not shown any interest to prosecute the case, this Second Appeal is dismissed for non-prosecution. No costs. Miscellaneous petitions, if any pending, in this Appeal shall stand closed.

S. RAVI KUMAR, J

Date: 10-02-2016.

gvl