

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

S.A.MP.No.1247 OF 2017
IN/AND
SECOND APPEAL No.294 OF 2004

COMMON JUDGMENT:

S.A.MP.No.1247 of 2017 is filed under Order XXII Rule 3 (2) read with Section 151 of the Code of Civil Procedure, 1908, requesting to record abatement on account of death of the respondent - sole appellant and to dismiss the Second Appeal as abated, as there are no other legal heirs to the deceased respondent - sole appellant, by name Parapatla Rami Reddy, except the petitioners – respondent Nos.1 to 3 in the appeal, who are his wife, son and daughter, respectively.

2. Heard Sri R. Radha Krishna Reddy, learned counsel for the petitioners – respondent Nos.1 to 3 in the Second Appeal.

3. Learned counsel for the petitioners would submit that the death of respondent – sole appellant had occurred on 19.05.2016 and there are no surviving legal heirs for the deceased respondent, except the petitioners, and in view of the stay granted by this Court in passing the final decree, the trial Court is not proceeding with passing of final decree. It is also his submission that on account of death of respondent - sole appellant, learned counsel on record for the respondent - sole appellant, Sri N. Pramod, ceases to hold vakalat.

4. Whether the last submission of the learned counsel is correct or otherwise, the fact is that death of the respondent – sole appellant had taken place on 19.05.2016, as per the photostat copy of the Death Certificate issued by the Sub-Registrar (Birth & Death), Gram Panchayat Chembakur, filed along with the petition. Even the Family Members Certificate issued by the Tahsildar, Ramasamudram Mandal, showing the petitioners – respondent Nos.1 to 3 as family members of the deceased respondent - sole appellant, Parapatla Rami Reddy, is also filed.

5. Hence, S.A.MP.No.1247 of 2017 is allowed. Consequently, the present Second Appeal stands dismissed as abated. Miscellaneous Petitions, if any, pending in this Second Appeal shall stand closed. There shall be no order as to costs.

July 21, 2017.
MD


A. SHANKAR NARAYANA, J