

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 37576 of 2015

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed by the legal representatives of K. Yadagiri, the applicant in O.A.No.5652 of 2010 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. By order dated 23.04.2015, the Tribunal dismissed the said O.A.

Sri N. Ashok Kumar, learned counsel for the petitioners, would submit that K. Yadagiri expired on 08.06.2014. The Death Certificate issued by the Registrar of Births and Deaths, Warangal Municipal Corporation, Warangal District, is produced in evidence thereof.

Significantly, the dismissal of the O.A. took place long thereafter on 23.04.2015. Trite to state, an order passed in favour of or against a dead person would be a nullity, unless the judgment was reserved prior to the date of death. That is not the situation in the present case.

That being so, the order of dismissal passed by the Tribunal in O.A.No.5652 of 2010 has to be considered a nullity in the eye of law.

The writ petition is accordingly allowed setting aside the order dated 23.04.2015 passed by the Tribunal in O.A.No.5652 of 2010. Liberty is granted to the petitioners to seek appropriate remedies in accordance with law in the event the cause of action canvassed by K. Yadagiri still survives.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 03.03.2017

SANJAY KUMAR, J

N. BALAYOGI, J

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