

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

SECOND APPEAL No.723 OF 2012

JUDGMENT:

Sri N. Siva Reddy, learned counsel for the appellant, would submit that the death of sole respondent had taken place on 05.05.2011, as per the information he received.

It is no doubt true, the learned counsel intended to take aid of the fact that the said information was recently received, but, that can be taken as a ground in the delay condonation petition while getting the abatement set aside, in case, such petitions are filed under sub-rule (5) of Rule 4 of Order - XXII of the Code of Civil Procedure, 1908. Hence, since no further steps are taken to bring the legal representatives of the deceased sole respondent on record, the present proceedings cannot be continued.

Therefore, the Second Appeal is abated for failure to bring the legal representatives of the deceased sole respondent on record. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand closed.

A. SHANKAR NARAYANA, J

June 15, 2017.
PV