

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

SAMP.Nos.736, 737 & 738 of 2006

IN/AND

SECOND APPEAL No.882 of 1997

COMMON ORDER:

SAMP.No.736 of 2006 is filed to condone the delay of 287 days in filing the petition seeking to set aside the abatement caused due to the death of the 3rd respondent, whereas SAMP.No.737 of 2006 is filed under Order XXII Rule 9 (2) of CPC seeking to set aside the abatement and SAMP.No.738 of 2006 is filed under Order XXII Rule 4 read with Section 151 CPC seeking to bring the legal representatives of the deceased 3rd respondent on record.

When these three petitions were posted on 12.06.2017, there was no representation for the petitioner/appellant. The Registry was, therefore, directed to list these petitions under the caption 'for dismissal' today.

Today also, there is no representation for the petitioner/appellant. It appears, the petitioner/appellant is not interested in prosecuting the Second Appeal itself.

Hence, SAMP.Nos.736, 737 & 738 of 2006 are dismissed for non-prosecution. Consequently, the Second Appeal stands dismissed for non-prosecution as against respondent Nos.1,2,4 to 8 and dismissed as abated as against respondent No.3.

Miscellaneous petitions, if any, pending in the Second Appeal shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

June 19, 2017
v v

