

THE HON' BLE SRI JUSTICE M. S. K. JAISWAL  
ASMP.No. 2663 of 2016 in in AS.No. 2217 OF 1998  
And

AS.No. 2217 OF 1998

JUDGMENT:

This petition is filed by the 1<sup>st</sup> respondent in the appeal, who is the plaintiff in O.S.No.154 of 1994 on the file of the Principal Senior Civil Judge, Narsaraopet, to dismiss the main appeal, as having been abated in view of the death of the sole appellant on 01.01.2011.

2. The petitioner herein, who is the plaintiff in the above suit, filed the suit for partition of the suit schedule property into 100 equal shares and to put her in separate possession of 22 such shares and also for future profits. By the judgment and decree dated 9<sup>th</sup> July, 1998, the learned Principal Senior Civil Judge decreed the suit declaring that the plaintiff is entitled to 22/ 100 share and also for other profits. Aggrieved by the same, the 4<sup>th</sup> defendant in the suit filed the present appeal.

3. It is represented that the sole appellant died on 01.01.2011 and proof thereof i.e., death certificate issued by the Government, Municipal Administration Department has been filed, along with the present petition.

4. In view of the above and since no steps are taken to bring the legal representatives of sole appellant, the petition seeking dismissal of the appeal is to be allowed.

5. Accordingly, the petition is allowed, and consequently appeal suit is dismissed as abated. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

Dt.22-03-2017

*Note: The Registry is directed to return  
the records to the lower Court, immediately. (bo)*

Kv

M. S. K. JAISWAL

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