

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

A.S.NO.438 OF 2010
AND
A.S.M.P.NO.2441 OF 2017 IN A.S.NO.438 OF 2010

COMMON JUDGMENT: (per SK,J)

This appeal was filed by the first defendant in O.S.No.204 of 2008 on the file of the learned I Additional District Judge, Guntur, aggrieved by the judgment dated 17.03.2010 passed therein decreeing the suit with costs.

While so, the first respondent herein, being the plaintiff in the suit, filed A.S.M.P.No.2441 of 2017 seeking dismissal of the appeal on the ground that the sole appellant died on 12.01.2017 and no steps were taken to bring his legal representatives on record.

Ms.Deepika Gadde, learned counsel for the appellant, sought an adjournment on 25.10.2017 to get instructions. She reports today that she was unable to do so.

As the statement of the first respondent/plaintiff in the sworn affidavit filed in support of A.S.M.P.No.2441 of 2017 to the effect that the sole appellant died on 12.01.2017 remains unrebutted, we are of the opinion that the failure to bring on record his legal representatives within time would entail abatement of the appeal.

The appeal is accordingly dismissed as abated. A.S.M.P.No.2441 of 2017 stands ordered. The other pending miscellaneous petitions, if any, shall also stand dismissed. Interim order dated 30.06.2010 shall stand vacated. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI ,J

Date:09.11.2017

GJ