

THE HON' BLE SRI JUSTICE M. S. K. JAISWAL

ASMP.NO. 2058 OF 2016 in AS.NO. 645 OF 2014

and

AS.NO. 645 OF 2014

JUDGMENT:

The above petition is filed to dismiss the main appeal as abated for the reason that the 1st respondent in the appeal, who is 7th respondent in the petition, and who filed the suit i.e., O.S.No.54 of 2007 on the file of Additional Senior Civil Judge, Kurnool, died on 04.04.2015, and the said intimation was given to the counsel appearing for the appellant on 27.04.2015.

2. It is submitted that in spite of the intimation to the appellant's counsel on 27.04.2015 giving the death intimation as well as the particulars of the legal representatives of the 1st respondent/plaintiff, so far no steps have been taken by the counsel for the appellant to bring on record the legal representatives of the 1st respondent/plaintiff. Hence, the learned counsel for the petitioner/3rd party prayed for dismissal of the main appeal as abated.

3. Heard the learned counsel for the petitioner and perused the material on record. Even though nearly two years time is completed since the date of death of the sole plaintiff, who is the main contesting party, no steps have been taken so far to bring on record the legal representative of the sole plaintiff. Hence, the appeal is liable to be dismissed, as rightly sought for.

4. In view of the above, the ASMP is allowed. Consequently, the main appeal is dismissed as abated. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Dt.28-03-2017

M. S. K. JAISWAL

Kv



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