

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

SECOND APPEAL No. 1030 OF 2002

JUDGMENT:

Heard. Perused the record.

As seen from the cause title of the impugned judgment of the first appellate court dated 07.10.2002 in Appeal Suit No.60 of 1996 on the file of the VII Additional District Judge, East Godavari district at Kakinada, the appellant herein, who is 1<sup>st</sup> respondent in the Appeal Suit, was shown as died and his legal representatives were brought on record as respondents 3 and 4 in the first appeal vide order dated 22.09.1997 in I.A. No.663 of 1997. Therefore, it is clear that the appellant herein was not alive on the date of filing of the Second Appeal. As the Second Appeal is filed showing dead person as alive, nothing survives for adjudication. Accordingly, the Second Appeal is dismissed with costs. Miscellaneous Petitions pending, if any, in the Second Appeal shall stand closed.

18.09.2018  
DRK

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(Dr.SA, J.)

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