

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Appeal Suit No.1246 of 2002

JUDGMENT:

There was no representation for both sides on 21.07.2017. On 22.01.2018, there was no representation for the appellant. However, on that day, learned counsel for the respondent was present. Therefore, this Court directed to list the matter on 01.02.2018 under the caption 'for dismissal'. On 01.02.2018, as there was no representation, this Court dictated an order dismissing the appeal suit for default. However, before the said order was transcribed and signed, a request was made to adjourn the matter. Hence, the appeal suit was adjourned to 05.02.2018 directing the Registry to post the matter under the caption 'for dismissal'. On that day, a request was made to adjourn the matter to 19.02.2018. Accordingly, matter was adjourned to 19.02.2018. On 19.02.2018, a request was made to post the matter to 26.02.2018. On 26.02.2018, it was represented that the learned counsel for the appellant addressed a registered letter to the appellant and that neither the returned cover nor an acknowledgment was received and, therefore, time was sought. Hence, the matter was directed to be listed today under the caption 'for dismissal'. Today also, there is no representation for the appellant. The above

conduct of the appellant indicates that the appellant is not interested in prosecuting the appeal suit.

2) Today, learned counsel appearing for the contesting respondent is present.

3) In the result, the appeal suit is dismissed for default. No costs. Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

12.03.2018

Rns

