

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

A.S.No.1937 of 1999

JUDGMENT:

This appeal was originally filed by the counsel Sri G.Dharmarao, who is no more now. When the matter came up on 21.03.2018, this court got the name of another counsel Sri N.S.Bhaskararao, whose name appeared in the vakalat, printed. Sri N.S.Bhaskararao, appeared before this court and submitted that he has no instructions in the matter.

The suit was filed for specific performance of agreement of sale, dated 05.04.1987 and the same was decreed in part on 20.10.1998. The plaintiffs were held to be entitled for recovery of advance of sale consideration with interest as claimed, and accordingly, the suit was decreed for recovery of Rs.1,22,737/- granting subsequent rate of interest at 6% per annum on Rs.85,000/- from the date of suit till realisation. The present appeal was filed by the defendants who were aged about 70 years and 65 years respectively in the year 1999. This court by order, dated 07.09.1999 granted interim stay on condition of the appellants depositing half of the decretal amount and costs within eight weeks. The respondents/plaintiffs were given liberty to withdraw the same without furnishing any security. The respondents have not taken any steps for filing a petition to vacate the said order.

The learned counsel appearing for the appellants expired long back and no steps were taken by the appellants for prosecuting the present appeal.

In view of the statement made by the other counsel Sri N.S.Bhaskararao, reporting no instructions, this court feels that the appeal need not be continued, and accordingly it is dismissed, confirming the

judgment and decree passed in O.S.No.82 of 1991, dated 20.10.198 on the file of the Senior Civil Judge, Narsapur. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 22.03.2018
Dsr

