

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

SECOND APPEAL No.453 OF 2000

ORAL ORDER:

Smt. K. Pallavi, learned counsel for the appellants, would submit that appellant No.1 died long back and appellant No.2 has been representing the appellant No.1. Learned counsel also would submit that appellant No.2 also died on 30.03.2013, thus, both the appellants are no more. In fact, there is no endorsement or any intimation to recognize the appellant No.2 as legal representative of appellant No.1.

However, when the death of appellant No.2 also took place in 2013 and no legal representative have come on record within the time prescribed by Order XXII, Rule 4 of the Code of Civil Procedure, 1908 i.e., within 90 days, abatement automatically works out.

Therefore, the second appeal stands dismissed as abated. However, it is open to the legal representatives of the deceased appellants to come with appropriate petitions, in case they so choose to pursue the matter.

As a sequel thereto, miscellaneous applications, if any, pending in the present appeal, stand closed.

A. SHANKAR NARAYANA, J

February 12, 2018.

Mgr