

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

APPEAL SUIT No.706 of 1997

JUDGMENT:

When this Appeal Suit is taken up for hearing, Sri *Prakash Buddarapu*, learned counsel, appearing for the appellants 3 to 6 & the proposed appellants 7 to 9, who are said to be the legal representatives of the deceased 1st appellant, would submit that he was informed that the 1st respondent died and that for taking steps, which are required, he wrote a registered letter, dated 26.10.2018, to the proposed 8th appellant and that despite receiving the said letter, none of the appellants or the proposed appellants approached him for taking necessary steps and further prosecuting the Appeal Suit. He would also submit that it was brought to his notice that the 1st respondent sold away the properties to third parties and that despite his request, the proposed 8th appellant failed to furnish the names of the said purchasers. He also submits that in his letter, he informed the proposed 8th appellant that if the appellants 3 to 6 or the proposed appellants 7 to 9 do not turn up and give instructions, he would be reporting no instructions in the matter. A copy of the letter with acknowledgement is placed on record.

Though this Appeal Suit is listed today under the caption “for dismissal”, the appellants 3 to 6 and the proposed appellants 7 to 9 did not evince any interest in prosecuting the Appeal Suit.

Learned counsel appearing for the appellants/proposed appellants submitted that in the event this Court is inclined to dismiss the appeal suit, liberty may be reserved to the appellants/proposed appellants to pursue the available common law remedies, if necessary.

Having regard to the conduct of the appellants 3 to 6 and the proposed appellants 7 to 9 and the submissions of the learned counsel, which are recorded supra, the Appeal Suit is dismissed for default. The dismissal of this Appeal Suit shall not preclude the parties from pursuing any remedies under the common law, which the law permits.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Appeal Suit shall stand closed.

M.SEETHARAMA MURTI, J

Date: 30th November, 2018

KL



106

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**APPEAL SUIT No.706 of 1997**Date: 30th November, 2018

KL