

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

SECOND APPEAL No.1501 OF 2007

JUDGMENT:

The appellant herein is the appellant in A.S.No.74 of 2004 on the file of the Principal District Judge, Ranga Reddy District at L.B.Nagar and the defendant in O.S.No.679 of 1997 on the file of the II-Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, Hyderabad.

The respondent herein filed the aforesaid original suit for recovery of an amount of Rs.1,08,700/- with interest at 17.75% per annum. By judgment, dated 26.02.2004, the said suit was decreed by passing a preliminary decree.

Aggrieved thereby, the appellant herein preferred appeal in A.S.No.74 of 2004. But, the lower appellate Court, on re-appraisal of evidence, dismissed the appeal suit on 18.06.2007 upholding the judgment and decree passed by the trial Court. Against the same, the present Second Appeal is preferred.

In fact, the present Second Appeal is coming up for admission since 2007. Initially, when the matter was called on Bench on 28.12.2007, a request was made for adjournment and, accordingly, it was ordered to be listed on 28.01.2008. On 28.01.2008, it was reported to the Court that the sole appellant died and time was sought on that ground. Later, the Second Appeal was adjourned thrice on 14.03.2008, 28.03.2008 and 11.04.2008. Though, the matter was directed to be listed on 13.06.2008, it is listed today under the caption 'for admission'.

Today, when the matter is called, there is no representation for the appellant.

No steps have been pursued to bring the legal representatives of the deceased sole appellant on record to prosecute the present Second Appeal.

Hence, the present Second Appeal stands dismissed as abated.

Miscellaneous petitions, if any pending in the instant appeal, stand closed.

January 25, 2018
v v

A. SHANKAR NARAYANA, J

