

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Second Appeal No.302 of 2000

ORAL ORDER:

No representation for the appellant.

Learned counsel for the respondent is present.

In fact, the docket order would reflect, as submitted by the learned counsel for the respondent, that the Second Appeal was dismissed for non-prosecution on 19.03.2015. Again, when an application in SAMP No.869 of 2015 was filed, which was for condonation of delay, the same was condoned ordering the petition on 25.07.2016. Since there was no representation for the petitioner-appellant in SAMP No.1473 of 2016, which was filed under Order 9 Rule 9 of C.P.C. for restoration of Appeal, on 1.9.2016, Registry was directed to list the appeal under the caption 'For Dismissal' on 13.9.2016. It was, once again, dismissed for non-prosecution on 17.09.2016. Later, SAMP No.1897 of 2016 was filed under Order 9 Rule 9 of C.P.C. to set aside the order dated 17.9.2016 dismissing SAMP No.1473 of 2016 in S.A. No.302 of 2000, and to restore the same to its original file, which was allowed on 29.09.2016. Again, SAMP No.1473 of 2016 was listed on 23.02.2017 and the said petition was allowed restoring the Second Appeal. Thereafter, though, a request was made on 25.1.2018 and listed to this day, today also, there is no representation for the appellant. In such an event, it is not desirable to, once again, list under the caption 'For Dismissal' as the appellant is not inclined to prosecute the appeal.

Therefore, the Second Appeal is dismissed for non-prosecution.

As a sequel thereto, miscellaneous petitions, if any, pending in the present Second Appeal shall stand closed.

A. SHANKAR NARAYANA, J

February 19, 2018.

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