

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Appeal Suit no.1293 of 1998

JUDGMENT:

The unsuccessful 1st defendant - Syndicate Bank, Main Branch, Cuddapah preferred this appeal suit, under Section 96 of the Code of Civil Procedure, 1908, assailing the decree and judgment, dated 24.06.1997, of the learned Subordinate Judge, Cuddapah, passed in OS.No.27 of 1987.

When this appeal suit is taken up for hearing, learned counsel for the appellant – 1st defendant submitted as follows: - 'Earlier, when he addressed a letter to the appellant Bank, one T. Sridhar, the then Manager approached him; and, later a petition was prepared and sent for signature. The same was not yet received. As he wanted to know whether the appellant is interested in prosecuting the appeal suit or not, he addressed another registered letter, dated 06.06.2018. Having received the said letter wherein the appellant bank was required to inform the learned counsel as to whether the cause of action survives or not for prosecuting the appeal suit, no officer of the appellant Bank has turned up to give instructions to pursue the appeal suit. In the stated circumstances, a memo, dated 29.10.2018, along with the copy of the letter, dated 06.06.2018, is filed before the Registry stating the above facts.'

Having stated so, learned counsel for the appellant bank requested this Court to record his submissions and the fact that he addressed a registered letter and filed a memo before the Registry and pass appropriate orders.

Having regard to the submissions and in view of the fact that the learned counsel has already addressed a registered letter to the

appellant Bank and that despite receiving such letter no officer of the appellant bank evinced interest to prosecute the appeal, this Court is of the considered view that this appeal suit can be dismissed for default.

Accordingly and in the result, the Appeal Suit is dismissed for default.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

30th October, 2018
Vjl

