

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.C.A.No.116 of 1999

ORDER:

Originally, the suit O.S.No.5 of 1987 is filed by the plaintiffs i.e., 1st plaintiff as the mutawalli of the suit schedule property and the 2nd plaintiff is the A.P. Wakf Board for declaration of title and for recovery of possession of land to an extent of Acs.5.27 gts in Sy.No.150/1, situated at Tolichowki, Hyderabad attached to Jama Masjid. against the nine defendants. The aforesaid suit was dismissed by the II Additional Chief Judge, City Civil Court, Hyderabad on 20.03.1997. Aggrieved by the same, initially 2nd plaintiff-Wakf Board filed this Appeal against respondents 1 to 10 and subsequently, 11th respondent (who is the plaintiff in the suit before the court below) was impleaded, but it is stated that 11th respondent is not necessary party in this Appeal.

Heard learned Standing Counsel for the appellant.

A perusal of the record goes to show that the Appeal is dismissed for default against respondents 4, 6 & 7 by virtue of orders of this Court dated 27.04.2007 and though 1st respondent died, no steps were taken to bring the legal heirs of 1st respondent on record so also for setting aside the default order dated 27.04.2007. When the appeal is filed against several respondents, when the same is dismissed for default against some of the respondents, appeal cannot be maintained as allegations are common against all respondents/defendants in the suit, as such,

appeal cannot be proceeded further against some of the respondents.

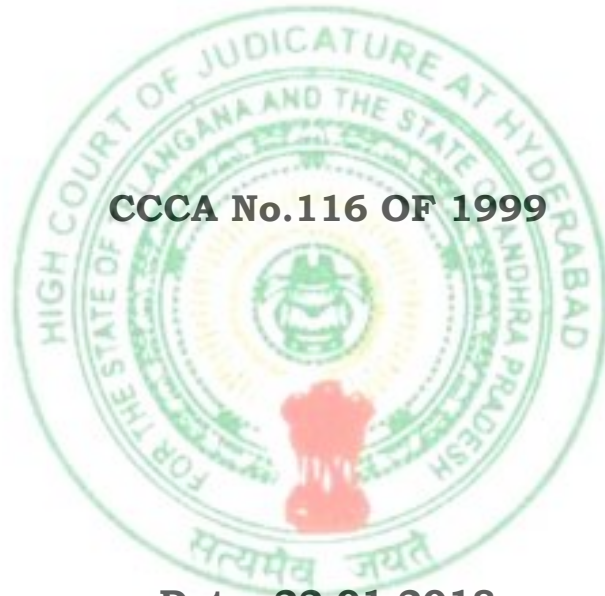
Accordingly, this Appeal is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Appeal, shall stand dismissed.

A.RAJASHEKER REDDY, J

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