

THE HON' BLE SRI JUSTICE C. V. NAGARJUNA REDDY
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL MISCELLANEOUS APPEAL No. 225 of 2008

Date: 18th January, 2018

Between:

Vasa Jagannadha Sarma

... Appellant

And

Smt. Vasa Lakshmi Surya Prabha

... Respondent

COUNSEL FOR APPELLANT: None

COUNSEL FOR RESPONDENT: Sri P. Durga Prasad

THE COURT MADE THE FOLLOWING:

JUDGMENT: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This appeal is filed against the Order and Decree dated 30.10.2007 in H.M.O.P.No.36 of 2005 on the file of Senior Civil Judge, Narsapuram, whereby he has dismissed the said O.P. filed by the appellant for dissolution of his marriage with the respondent.

2. A perusal of the Proceedings Sheet shows that, on 29.11.2017, this Court has recorded the submission of Mr. M. Rama Rao, learned counsel for the appellant, that he has already given up his Vakalat and that he is no longer appearing for the appellant. The Court has, accordingly, directed issue of notice without process fee. On 03.01.2018, this Court has further adjourned the case for the reason that notice sent to the appellant has not returned. Even today, the position remains the same that notice has not been served upon the appellant.

3. In our opinion, when the counsel for the appellant has given up his Vakalat to the knowledge of his client, there is no obligation on the part of the Court to order notice to the party as it is his responsibility to make alternative arrangements by engaging another counsel or by himself appearing as party in person. As the appellant has not availed either of these two options, it is reasonable to presume that the appellant is not interested in pursuing the cause in this appeal.

4. The appeal is, accordingly, dismissed for non-prosecution.
5. As a sequel to the dismissal of the appeal, CMA MP No.774 of 2013, shall also stand dismissed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

18th January, 2018

KSM



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