

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

APPEAL SUIT No.1053 of 1997

JUDGMENT:

This Appeal Suit is already dismissed for default against the respondents 1, 2, 3 & 8 for not furnishing their correct addresses for services of notices on them in this Appeal Suit.

2. Learned counsel for the appellant filed a Memo, dated 24.01.2018, before the Registry *inter alia* stating to the following effect: 'The appellant was informed by a letter sent by Registered Post on 19.08.2015 that necessary applications have to be filed for restoration of the Appeal Suit against the above said respondents and that despite receiving the said letter, the appellant did not approach the counsel and instruct him for filing necessary applications and that the appellant was again informed by another registered letter, dated 13.12.2017, posted on 18.12.2017, and that the appellant, having received the said letter as well on 21.12.2017, did not turn up to file necessary petitions though this Court granted time on many occasions at the request of the counsel.' In the Memo, it is finally stated that in the circumstances, the learned counsel reports no instructions.

3. The above conduct of the appellant, which is stated in the Memo filed by the learned counsel for the appellant, indicates that the appellant is not interested in prosecuting the Appeal Suit. Since the learned counsel had already addressed registered letters to the appellant before reporting no instructions, this Court is of the considered view that no notices need be sent by this Court to the appellant.

4. In the result, the Appeal Suit is dismissed for default.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 14th February, 2018

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