

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CCCA.No.55 OF 2008

JUDGMENT:

Since there was no representation for the appellant on 24.01.2018, Registry was directed to list the present CCCA under the caption 'for dismissal'.

Today also, there is no representation for the appellant.

Learned counsel for the respondents is present. He would submit that during pendency of the present appeal, possession was already delivered pursuant to the compromise entered into by the parties subsequent to disposal of the suit in O.S.No.423 of 2004. He would also submit that the amount towards rental arrears have been deposited and lying to the credit of the said suit and, therefore, makes a request to permit the respondents – plaintiffs to withdraw the said amount.

In that view of the matter, the present appeal is dismissed. The respondents are at liberty to move appropriate application before the Court below for withdrawal of the amount towards rental arrears deposited to the credit of the suit.

Miscellaneous Petitions, if any pending in this appeal, stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J