

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

A.S.NO. 1225 OF 1998

JUDGMENT:

When this appeal was posted on four occasions in the year 2017, there was no representation on either side and on 20.3.2018, when the appeal was posted, none appeared for the appellants but the learned counsel for the respondents sought two weeks time.

Today also, when the case is called, there is no representation for the appellants since the Counsel on record died.

The present appeal arises out of a suit for partition and the plaintiffs filed the said suit for their two third share in the plaint 'A' Schedule properties and when the suit was decreed, the defendants 3, 4 and 5 filed the present appeal.

This Court noticed that there was no interim order staying the passing of final decree in the present appeal and in the normal circumstances, the final decree proceedings must have taken place, in which event, the present appeal becomes infructuous.

In view of non prosecution and in view of the above facts, the present appeal is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed.

No order as to costs.

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A. RAMALINGESWARA RAO,J

Date: 11.4.2018

KPM