

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

APPEAL SUIT No.1385 of 1998

ORDER:

This Appeal Suit, under Section 96 of the Code of Civil Procedure, 1908, is filed by the 5th defendant assailing the decree and judgment, dated 31.03.1998, of the learned Senior Civil Judge, Khammam, passed in O.S.No.128 of 1984.

2. When the matter is taken up for hearing, Sri *S.Srinivas Reddy*, learned counsel appearing for the appellant, brought to the notice of this Court that on 02.01.2018, he filed a memo before this Court enclosing the copy of the letter, dated 30.12.2017, addressed to Sri *C.V.Mohan Reddy*, learned Senior Counsel, by the son of the appellant. The contents of the copy of the afore-said memo and letter now placed before this Court reflect the following facts: 'After the suit for partition was disposed of, the 5th defendant filed the present instant appeal; he died on 10.09.2013 leaving behind him the son, who addressed the above mentioned letter and other children and also his wife as his legal heirs; the said legal heirs are not aware of the pendency of the appeal and, therefore, they did not take steps to come on record as appellants in this appeal; in any view of the matter, the legal heirs of the appellant settled the matter with the plaintiffs and other shareholders having shares in the plaint schedule property who in turn had executed registered Sale Deeds bearing Nos.12868/2016, 12869/2016, 12864/2016, 12867/2016, 12982/2016 & 12885/2016, dated 19.12.2016.' Learned counsel for the appellant, while reiterating the contents of the afore-said memo and letter, would further submit that no cause survives for adjudication in this appeal.

4. Recording the submissions, the Appeal Suit is dismissed as abated.

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: 24th January, 2018
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