

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CCCA.No.201 of 1998

JUDGMENT:

This appeal suit, under Section 96 of the Code of Civil Procedure, is filed by the unsuccessful 1st defendant assailing the decree and judgment, dated 24.06.1998, of the learned III Additional Judge, City Civil Court at Secunderabad, passed in O.S.No.210 of 1993.

By the decree and judgment, which are impugned, the 1st respondent-plaintiff's suit for partition was decreed and a preliminary decree was granted in favour of the 1st respondent-plaintiff in respect of plaint 'A' and 'B' schedule properties as per the shares set out in plaint 'C' schedule. There are certain other terms in the preliminary decree, which is impugned.

At the hearing, learned counsel who formerly appeared for the sole appellant – 1st defendant submits that the 1st respondent – plaintiff is the son of the sole appellant - 1st defendant and that the sole appellant – 1st defendant died long time back and no steps for impleadment of her legal representatives could be taken, as none of her legal representatives, including the legal representatives who are parties to the *lis*, approached him and therefore, there is no possibility for prosecution of the appeal suit.

Recording the facts and circumstances, the appeal is dismissed as abated. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

23.10.2018
v v

