

CMP.No.12742 of 2019
in S.A.No.991 of 2006

N.SESHASAYEE,J.,

This miscellaneous petition is filed by the respondents/defendants 1 to 3 seeking to dismiss the above second appeal with costs.

2.1 There is no representation for the appellants. The learned counsel for the respondents 1 to 3 submitted that the appellants 5 and 7 in S.A.No. 991 of 2006 are dead. This has been informed to the Court when the case was listed on 10.08.2016. Till now, no steps have been taken to bring on record their respective legal representative, despite several postings have been granted for the purpose.

2.2 This apart, on 12.04.2019, the respondents 1 to 3 had filed this petition to dismiss the appeal not only as against appellants 5 and 7, but also as against appellants 9,10 and 11 on the ground that these appellants have died respectively in 2014, 2013 and 2012.

3. The learned counsel further submitted that even though from 2016, the case has been posted for few times, but at no point of time, the appellant had cared to inform the demise of appellants 9, 10 and 11 and a copy of this petition in CMP.No.12742 of 2019 is seen served on the counsel for the appellants even on 13.06.2019, and he also added that this case is in the cause-list for the last 15 days continuously.

N.SESHASAYEE.J.,

ds

4. Hence, this miscellaneous petition is allowed in part and appeal in S.A.No.991 of 2006 is dismissed as abated as concerning the appellants 5,7,9, 10 and 11 alone.

08.07.2019

ds



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