

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

APPEAL SUIT No.2220 of 2000

JUDGMENT:

This appeal is filed by the appellant against the decree and judgment in O.S. No.37 of 1997 on the file of the Court of the Senior Civil Judge, Adilabad, dated 17.12.1999. The respondent in the appeal is a proprietary firm, represented by its proprietor Harish Kamdar.

2. It is stated that during pendency of the appeal, Harish Kamdar, proprietor of the respondent firm, died on 09.07.2007. On account of the death of the sole proprietor, the appeal stood abated.

3. Learned counsel for the respondent filed a memo on 26.10.2009 under Order XXII Rule 10-A C.P.C. informing about the death of the proprietor enclosing therewith the death certificate and also indicating therein the legal representatives of the deceased. A copy of the said memo was also served on the counsel appearing for the appellant on 26.10.2009. In spite of service of memo, nearly a decade back i.e., 9 years 11 months 26 days, no steps have been taken by the appellant to bring the legal representatives on record.

4. In view of the same, since the appeal is abated against the sole respondent and as the appellant had failed to take steps to bring the legal representatives on record, the appeal suit is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

T. VINOD KUMAR, J