

IN THE HIGH COURT OF ORISSA AT CUTTACK
SA NO.374 OF 1998

Umesh Karmee

....

Appellant

Mr. S.N. Mohapatra, Advocate

-versus-

Mr. Bidyadhar Karmee & Others

....

Respondents

Mr. Budhiram Das, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

11.10.2022

Order No.

- 33.
1. This matter is taken up through Hybrid Arrangement (virtual/physical mode).
 2. None appears for the Appellant in this Second Appeal of the year, 1998 which is lying on Board without being admitted, when called.
 3. Learned Counsel for the Respondent files photo copy of the final decree passed in Title Suit No. 93 of 1989, which is taken on record.
 4. Record also reveals that this Second Appeal wherein the Appellant is challenging the judgment and preliminary decree passed in Title Suit No.93 of 1989 by presenting the Memorandum of Appeal on 23.12.1998; the final decree in the said suit had by then already been sealed and signed on 07.05.1998. It also reveals that original Appellant who was the Defendant No.1 in the said suit had been noticed in that final decree proceeding.
 5. In view of the above, this Court finds that no such purpose would be served by keeping this Second Appeal pending any more. Accordingly, the Appeal stands dismissed for non-prosecution.

Issue urgent certified copy as per rules.

(D. Dash),
Judge.