

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI**

**I.A.No.1 of 2018
in / and
F.C.A. No.399 of 2018**

COMMON JUDGMENT:

No representation for both sides.

2. I.A.No.1 of 2018 is filed by the petitioner/appellant under Section 5 of Limitation Act, to condone the delay of 9 days in filing the appeal.

3. On 20.04.2022, this Court was pleased to pass the following order in I.A.No.1 of 2018 in F.C.A.No.399 of 2018:

"Heard. Perused the record.

Issue fresh notice to the respondent.

Fresh personal notice by RPAD is also permitted.

Post on 14.06.2022.

It is made clear that if the petitioner fails to serve notice on the respondent by the next date of hearing as directed above, this application and the FCA stand dismissed."

4. The office endorsement dated 13.06.2022 reveals that proof of service of notice on the respondent is not filed as on that date. Though the appeal was filed in the year 2018, till

today, notice is not served on the contesting respondent. It appears that the appellant has no interest to pursue the matter.

5. Under these circumstances, I.A.No.1 of 2018 is dismissed for default. Consequently, F.C.A stands rejected.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

JUVVADI SRIDEVI, J

Date: 14.06.2022
SCS