

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

IA NO: 1 OF 2019

IN & AND

APPEAL SUIT NO: 97 OF 2019

Appeal under section 96 of C.P.C. aggrieved by the judgment and decree dated 05-06-2018 passed in the OS.NO.582 of 2010 on the file of the III Additional District Judge, R.R. District at L.B. Nagar.

Between:

Smt. Sarasam Rama Laxmi @ Rajya Laxmi D/o Late M. Muthaiah W/o Late S. Yadi Reddy, Aged 50 years, Occ-Housewife, R/o Plot No.105, Flat No.5, Sri Venkatasai Residency, Subash Nagar, IDA Jeedimetla Mandal, R.R. District.

...APPELLANT/PLAINTIFF

AND

1. CAP. GGK RAJU
(Died, the defendant No.3 to 6 brought on record as per order in IA NO.1143 of 2012, dt. 20-06-2013)
2. Smt. D. Ramulamma
(Died, the defendant No.7 and 8 brought on record as per order in IA No.564 of 2016, dt. 02-03-2016)
3. GS Roshan Raju, S/o Late Cap.GGK Raju, Aged about 43 years, Occ-Agriculture, R/o. Flat No.302, Mahalaxmi Paradise, Road No.3, West Maredpally, Secunderabad.
4. Gopala Ranga Raju, S/o Late Cap. GGK Raju, Aged about 41 years, Occ-Agriculture.
5. G. Sridhar Raju, S/o Late Cap. GGK Raju, Aged about 36 years, Occ-Service.
6. Mrs. G. Sridevi, W/o Wing Commander, GVNK Varma D/o. Late Cap. GGK Raju, Aged about 36 years, Occ- Agriculture .

The Respondent No.3 to 6 R/o 175, AWHO Colony, Sector-A, Secunderabad-500 009.

7. D. Narsimha, S/o Late Laxmaiah, Aged about 60 years, Occ- Agriculture, H.No.2-73, R/o Shamirpet (V) and (M), R.R. District.
8. D. Krishna, S/o Late Laxmaiah, Aged about 48 years, Occ- Agriculture, R/o. H.NO.2-66/7, Shamirpet (V) & (M), and R.R. District.

...RESPONDENTS/DEFENDANTS

IA NO: 1 OF 2019

Petition under Section 5 of Limitation Act praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone delay of 156 days in preferring the above appeal.

Counsel for the Appellant: SRI. M. JANARDHAN RAO

Counsel for the Respondent Nos. 3 to 6: SRI. SRINIVAS POLAVARAPU

Counsel for the Respondent Nos. 7 & 8: SRI AKKAM ESHWAR

The Court made the following: COMMON JUDGMENT

THE HON'BLE SMT JUSTICE M.G.PRIYADARSINI

I.A.No.1 OF 2019
IN/AND
APPEAL SUIT No. 97 OF 2019

COMMON JUDGMENT:

Learned counsel for the appellant sought time to comply with the orders dated 16.08.2023 passed in I.A.No. 1 of 2019.

However, a perusal of proceeding sheet discloses that in spite of giving fair opportunities on the earlier several occasions i.e., on 21.09.2023, 16.10.2023, the appellant failed to comply with the orders dated 16.08.2023.

The proceeding sheet further discloses that the time granted for deposit of costs was extended on 07.11.2023 in I.A.No. 1 of 2019. Still the appellant seeks further time to comply with the conditional orders. Hence, it is presumed that the appellant is not interested to proceed with the appeal.

Therefore, the I.A.No. 1 of 2019 filed for condoning the delay of 156 days in preferring the appeal is hereby dismissed.

Consequently, the Appeal Suit is rejected. There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

SD/- SRI K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The III Additional District Judge, R.R. District at L.B. Nagar
2. One CC to SRI. M. JANARDHAN RAO, Advocate [OPUC]
3. One CC to SRI. SRINIVAS POLAVARAPU, Advocate [OPUC]
4. One CC to SRI. AKKAM ESHWAR, Advocate [OPUC]
5. Two CD Copies

HIGH COURT

DATED: 20/11/2023

JUDGMENT

**I.A.NO. 1 OF 2019
IN & AND
AS.No.97 of 2019**



REJECTING THE APPEAL SUIT

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MEMO
26/12/2023