

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

MONDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

I.A. NO.4 OF 2023

IN/AND

SECOND APPEAL NO: 284 OF 2004

Appeal Under Section 100 of C.P.C against the Judgment and Decree Dated 26/09/2003 made in A.S. No.10 of 1998 on the file of the Court of the Senior Civil Judge, Jagtial, preferred against the Judgment and Decree dated 06.03.1995 passed in O.S. No.558 of 1985 on the file of the Court of the Junior Civil Judge, Metpally.

Between:

1. Pothu Ashanna @ Ashalu, (died per LRs Appellants herein 2 & 3)

... APPELLANT/ APPELLANT/PLAINTIFF

2. Pothu Gangubai, W/o. Late Pothu Ashanna @ Ashalu @ Ashaiah, aged about 76 years, Occ: Household, R/o. H.No.2-1-437, Dubbawada, Metpally Proper and Mandal, Jagtial District.
3. Pothu Ramadasu, S/o. Late Pothu Ashanna @ Ashalu @ Ashaiah, aged about 50 years, Occ: Business, R/o. H.No.2-1-437, Dubbawada, Metpally Proper and Mandal, Jagtial District.

...Appellants

(Appellant Nos.2 and 3 are brought on record as per LRs of the deceased Sole Appellant vide Court Order dated 09/10/2023 in IA No.3/2023)

AND

The Grampanchayath Metpally, Represented by its Chief Executive Officer, Metpally proper & Mandal, District Karimnagar.

...RESPONDENT/ RESPONDENT/DEFENDANT

IA NO: 4 OF 2023

Petition under order XXIII Rule 1 R/w Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant permission to the petitioners to Withdraw the second appeal in S.A.No 284/2004.

Counsel for the Appellant: SRI. M.A. BARI

Counsel for the Respondent: NONE APPEARED

The Court made the following: COMMON JUDGMENT

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

I.A.No.4 OF 2023

IN/AND

SECOND APPEAL No.284 of 2004

COMMON JUDGMENT:

Plaintiff filed O.S.No.558 of 1985 on the file of District Munsiff, Metpally, for declaration and mandatory injunction. The trial Court dismissed the suit. The unsuccessful plaintiff preferred appeal *vide* A.S.No.10 of 1998 wherein the appellate Court dismissed the appeal, against which the second appeal has been filed.

2. Learned counsel for appellant intends to withdraw the present appeal and to that extent, he filed an application vide I.A.No.4 of 2023 seeking permission of this Court to withdraw the present appeal.

3. Accordingly, I.A.No.4 of 2023 is ordered and the second appeal No.284 of 2004 is dismissed as withdrawn. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- CH.VENKATESWARLU
DEPUTY REGISTRAR**

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SECTION OFFICER

To,

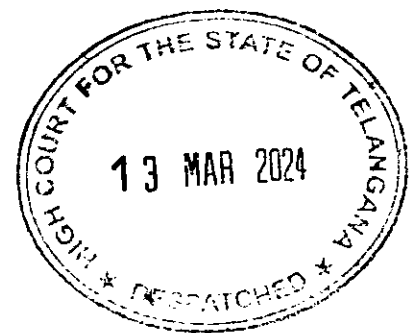
1. The Senior Civil Judge, Karimnagar FAC Senior Civil Judge, Jagtial Karimnagar District (with records)
2. The junior Civil Judge, Metpally, Karimnagar District (with records)
3. One CC to Sri. M.A. BARI, Advocate [OPUC].
4. Two CD Copies

HIGH COURT

DATED:09/10/2023

COMMON JUDGMENT

IA NO 4 OF 2023
IN/AND
SA.No.284 of 2004



DISMISSING SECOND APPEAL AS
WITHDRAWN WITHOUT COSTS

6
20/2/24
HV*