

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF JULY, 1998

P R E S E N T

THE HON'BLE MR. JUSTICE ASHOK BHAN
&

THE HON'BLE MR. JUSTICE S.R.VENKATESHA MURTHY

REGULAR FIRST APPEAL NO.3/1990

BETWEEN:

1. The Chief Secretary,
Govt. of Karnataka,
Vidhana Soudha,
Bangalore - 1.
2. The Director of Health
and Family Welfare Services,
Ananda Rao Circle,
Bangalore - 9.
3. The Medical Officer,
Leprosy Hospital,
Magadi Road, Bangalore -23. .. APPELLANTS.
(By Sri.R.I. D'Sa, ^{Govt}/Adv.)

AND:

1. Canara Bank,
Branch Office at Lavelle Road,
Bangalore, rep. by its
Sn. Manager and PA Holder,
Sri.H.K. Srinivasaiah.
2. Attur Mehta,
Prop: M/s. Surgical Corporation
of India, No.29, Grant Road,
Bangalore - 1.

3. Praveen,
major,
R/o No.62,
K.H. Road,
Bangalore - 27.

.. RESPONDENTS.

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This first appeal filed under Sec.96 of CPC against the judgment and decree dt. 17.7.89 passed in O.S. No.761 of 1987 on the file of the XIV Addl. City Civil Judge, B'lore decreeing the suit for recovery of money.

This appeal coming on for orders this day, Sri.Ashok Bhan, J, delivered the following:

JUDGMENT

This appeal is one of the oldest appeals pending before this Court and could not be taken up for final disposal as the paper books were not filed in spite of opportunities given to the appellants to do so. Two weeks were granted to file the paper books at the request of the Govt. Advocate. Paper books were not filed. Appeal was again listed for appropriate orders before the Bench on 29th June, 1998. Reluctantly, the Court granted a further and final opportunity of 4 weeks for filing the paper books. Office was directed

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that in case, the paper books are not filed within the time granted, then, the appeal be listed before the Bench for appropriate orders.

2. Paper books have not been filed. Counsel prays for further time to file the paper books which is declined. In view of the earlier order passed on 29.6.98 and in the absence of any special reasons for doing so, further opportunity to file the paper books cannot be granted. It seems the Govt. is not serious in contesting the claim of the plaintiff respondent. It was preceeded exparte in spite of service before the Trial Court and the Decree was passed on account of their not filing the written statement. Dismissed for non-prosecution.

Sd/-
JUDGE

Sd/-
JUDGE