

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

A.S.MP.No.1377 OF 2016 AND A.S.MP.(SR).Nos.8576 AND 8577
OF 2016
IN/AND
APPEAL SUIT No.3395 OF 2004

JUDGMENT:

There was no representation for the petitioners in A.S.MP.No.1377 of 2016 on 21.06.2017 and 23.01.2018. It is discernable from the record that the sole appellant died and A.S.MP.No.1377 of 2016 and A.S.MP.(SR).Nos.8576 and 8577 of 2016 are filed requesting to condone the delay in seeking to set aside the abatement caused on account of the delay in bringing the legal representatives of the deceased sole appellant on record and to set aside the abatement and to permit petitioner Nos.2 to 8 in the said petitions to come on record as appellant Nos.2 to 8, they being the legal representatives of the deceased sole appellant.

2. On 23.01.2018, there is no representation for the petitioners/proposed appellants in A.S.MP.No.1377 of 2016. Therefore, the Appeal Suit along with A.S.MP.No.1377 of 2016 and A.S.MP.(SR).Nos.8576 and 8577 of 2016 is directed to be listed under the caption 'for dismissal' today. Yet again, there is no representation for the petitioners/proposed appellants in the Miscellaneous Petitions. In that view of the matter, this Court finds that the proposed parties are not interested in prosecuting the Miscellaneous Petitions.

3. In the result, A.S.MP.No.1377 of 2016 is dismissed and A.S.MP.(SR).Nos.8576 and 8577 of 2016, which are yet to be registered, are rejected, as a consequence of dismissal of A.S.MP.No.1377 of 2016.

4. Accordingly, the Appeal Suit stands dismissed as abated.

Miscellaneous Petitions, if any, pending in this Appeal Suit shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

January 31, 2018
MD

