

Madhi

Vs

Mahanbai and Others

Civil Appeal No. 541 of 1967

31.01.1972

(K. S. Hegde, P. Jagmohan Reddy, D. G. Palekar JJ)

ORDER

This appeal abates. The material facts are those. The two respondents as joint plaintiffs filed a suit for possession of the suit property. Their suit was decreed as prayed for. A joint decree in their favour was passed by the trial court. The appellant appealed against the decree. The first appellate court reversed the decree of the trial court and dismissed the suit. The two plaintiffs went up in appeal to the High Court. The High Court reversed the decree of the first appellate court and restored that of the trial court. Thereafter the appellant brought this appeal by special leave. During the pendency of appeal in this court one of the plaintiffs who was a joint decree-holder, as mentioned earlier, died some time in 1968, but the appellant failed to bring her legal representative on record. We are informed that when this appeal came up for hearing before this Court in December 1970, the advocate for the respondents informed the counsel for the appellant about the death of one of the respondents. Yet the legal representatives of the deceased respondent have not been brought on record. M. K. Rajendra Chaudhri appearing for the appellant informs us that though he informed the local counsel as to the necessity of bringing on record the legal representatives of the deceased respondent, yet the appellant has not chosen to move in that matter. Under these accordingly dismissed with costs. Today's hearing fee well not be included.

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