

**HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

MAIN CASE:     **A.S.No.555 of 2010**

**PROCEEDING SHEET**

| <b>SL.<br/>No.</b> | <b>DATE</b> | <b>ORDER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>OFFICE<br/>NOTE</b> |
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| 39.                | 10.2.2026   | <p><b><u>RNT,J &amp; MRK,J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2026</u></b></p> <p>Heard Sri N.Subba Rao, learned Senior Counsel representing Sri Ancha Panduranga Rao, learned counsel for the petitioners/appellants, and Sri P.Prabhakar, learned counsel for the respondent.</p> <p>2.     The appeal was dismissed for want of prosecution on 16.12.2025.</p> <p>3.     This application has been filed on 08.01.2026, i.e., within the period of limitation, seeking to set aside the order of dismissal and to restore the appeal.</p> <p>4.     The cause stated for the non-appearance of the learned counsel for the appellants on 16.12.2025 has been set out in paragraph Nos. 4 and 5 of the affidavit filed in support of the application. In paragraph No. 6 of the affidavit, it is further stated that the learned counsel for the appellants is ready to argue the</p> | (Contd.)               |

| SL.<br>No. | DATE | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | OFFICE<br>NOTE |
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|            |      | <p>appeal on merits. The same has also been reiterated before us today.</p> <p>5. The respondent has filed counter-affidavit. In paragraph No. 4 thereof, it is stated that the appeal is an old one and that nearly 40 adjournments have been granted.</p> <p>6. Learned counsel for the respondent submits that, in view of the previous conduct of the petitioners/appellants, the present application deserves to be rejected.</p> <p>7. We have considered the aforesaid submissions.</p> <p>8. We find that though several adjournments had been granted earlier, and even orders granting final opportunity had been passed on certain occasions cautioning the parties against further adjournments, the appeal ultimately came to be dismissed for want of prosecution.</p> <p>9. We also find that some adjournments were granted on the joint request of both sides and, on certain occasions, though the learned counsel for the appellants was present, the matter</p> |                |

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|            |      | <p>could not be taken up due to the absence of the learned counsel for the respondent.</p> <p>10. Order 41 Rule 19 reads as follows :</p> <p><b>“Order XLI Rule 19 – Re-admission of appeal dismissed for default</b></p> <p>Where an appeal is dismissed under Rule 11, sub-rule (2) or Rule 17, the appellant may apply to the Appellate Court for the re-admission of the appeal; and, where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or from depositing the sum so required, the Court shall re-admit the appeal on such terms as to costs or otherwise as it thinks fit.”</p> <p>11. We are of the view that the Court is required to confine its consideration to whether sufficient cause has been shown for the non-appearance of the appellants on the date when the appeal was dismissed for want of prosecution.</p> <p>12. On perusal of the affidavit filed in support of the petition, particularly the averments</p> |                |

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|            |      | <p>contained in paragraph Nos. 4 and 5, we are satisfied that sufficient cause has been shown for the absence on 16.12.2025.</p> <p>13. Accordingly, the application is allowed. The order dated 16.12.2025 dismissing the appeal for want of prosecution is set aside. Consequently, the appeal is restored to its original number.</p> <p style="text-align: center;"><b><u>A.S.No.555 of 2010</u></b></p> <p>14. At the request of respondent's counsel, post on 23.02.2026.</p> <div style="text-align: right;"> <p>_____<br/><b>RNT,J</b></p> <p>_____<br/><b>MRK,J</b></p> </div> <p>RPD</p> |                |

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