

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.:A.S.No.238 of 1999 & TR.A.S.No.310 of 2006

PROCEEDING SHEET

Sl.No.	DATE	ORDER	OFFICE NOTE
32.	17.08.2023	<u>SV, J</u> Ms. Vakati Venkata Gnanusha, learned counsel filed vakalat for 2nd appellant by name Sri Siva Venkata Krishna Rao. At this stage, it is brought to the notice of this Court that earlier three applications were filed i.e. ASMP No.1172 of 2010 is filed to condone the delay of 784 days in filing the petition to set aside the abatement caused due to the death of the sole respondent, ASMP No.1173 of 2010 is filed to bring legal representatives of deceased sole respondent Smt.Kolusu Gangamma i.e., Komma Vengamma, Dhimmila Amaji and Nerusu Krishna Murthy on record as respondent Nos.2 to 4, ASMP No.1174 of 2010 is filed to set aside the abatement caused due to the death of the sole respondent in the appeal. While the matter stood thus, one Sri Komma Kanaka Chintaiah S/o. Gopalaswamy filed ASMP No. 1990 of 2016 to implead him as party/respondent being the guardian of the sole respondent. In I.A.No.01 of 2016 stating that Smt.K.Gangamma had initially executed a registered Will dated 03.09.1991 bequeathing her property including the property in dispute in the present appeal to him, as he was the grandson of her sister and admittedly the said Smt	

K.Gangamma, died on 30.11.2007.

In the above circumstances, as there are two sets of people intended to come on record, one set of them are said to be legal heirs and another set is coming through the Will dated 03.09.1991, this Court passed an order on 02.03.2020 directing the 'Senior Civil Judge, Krishna at Machilipatnam, to try the issue as to who is the legal heir of Smt. K.Gangamma, after conducting trial in the matter and to return the records together with the evidence, if any, recorded at such trial, his findings and reasons therefor within a period of six months from the date of the receipt of that order'.

In the above order, it is very clear that there was a direction given to the Senior Civil Judge, Krishna at Machilipatnam to record the evidence and give finding, who is the legal heir of Smt K.Gangamma. On verification of record there is no such report received by this Court till date.

It is requested by learned Senior Counsel, Sri Radha Krishna, that if evidence and report had already completed, the Senior Civil Judge, Machilipatnam may be directed to send the report immediately with a special messenger.

In the said circumstances, the Senior Civil Judge, Krishna at Machilipatnam is directed to send his findings immediately, if evidence is already completed. If not, within a month from this day send the report along with the findings and evidence, if any, to this Court to proceed further in this matter.

List after two (02) weeks.

SV, J

NKA

