

APHC010257932009



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3545]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

FAMILY COURT APPEAL (FCA) NO: 125/2009

Between:

1. MURUGULA GUNAKAR, S/O. SUBBA RAO, HINDU ASSISTANT TO
THE CARPENTER R/O. RAMACHANDRA RAOPET, ELURU, WEST
GODAVARI DISTRICT.

...APPELLANT

AND

1. SMT MURUGULA PURNIMA, D/o. Manduri Bhaswkara Rao, Hindu
Housewife R/o. Sanigudemadda Road, Gopannapalem Village, Eluru
Mandal, West Godavari District.

...RESPONDENT

IA NO: 1 OF 2009(FCAMP 144 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased
condone the delay of 20 days in filing the FCA

Counsel for the Appellant:

1. MURUGULA GUNAKAR

Counsel for the Respondent:

1. K R KOTESWARA RAO

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA
FAMILY COURT APPEAL No.125 of 2009

JUDGMENT: *(Per Hon'ble Sri Justice Battu Devanand)*

As the learned counsel for the appellant was elevated to the Bench, on 29.08.2025 this Court directed to issue notice to the appellant and posted the matter to 19.09.2025. Accordingly, registry issued notice to the appellant and as seen from the postal endorsement the notice was returned as addressee refused. It is a settled law that 'refusal of notice' amounts to 'deemed service'. Accordingly, on 12.11.2025, this Court directed the Registry to print the name of the appellant in the cause list and posted to 26.11.2025 under the caption 'for dismissal'. On 26.11.2025, there is no representation for the appellant and to give one more opportunity to the appellant, the appeal was posted to 03.12.2025. Today also, there is no representation for the appellant.

2. It appears that the appellant has no interest to prosecute this Appeal.

3. Accordingly, this Family Court Appeal is dismissed for non prosecution. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated: 03.12.2025

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THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

FAMILY COURT APPEAL No.125 of 2009

Dated: 03.12.2025

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