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PAPANNA AND ANR. ETC.

v.

STATE OF KARNATAKA AND ORS. ETC.

NOVEMBER 1, 1995

B

[K. RAMASWAMY AND B.N. KIRPAL, JJ.]

Code of Civil Procedure, 1908.

C

Order 22 Rules 3 & 4—Legal Representatives of one of the many parties—Not brought on record—Appeal abates against all since the decree is common and indivisible.

Practice & Procedure :

D

Advocate on record—Designated as Senior Advocate—Professional duty of counsel to intimate his clients for making alternative arrangements.

E

In these appeals, notices were issued to the appellants to make alternative arrangements in place of their counsel being designated as Senior Advocate, despite the fact that it was no part of the duty of this Court and it is the professional duty of the counsel concerned. But there was no compliance.

Dismissing the appeals, this Court

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HELD : In view of the fact that the decree challenging the validity of the notification under section 4(1) of the Land Acquisition Act being common to all the appellants and being indivisible, the appeals stand abated against all since the legal representatives of the second appellant have not been brought on record till date. [693-D]

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CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 6258-59 of 1983 Etc.

From the Judgment and Order dated 8.4.83 of the Karnataka High Court in W.A. No. 1324-25 of 1982.

P.R. Ramasesh for the Respondent No. 5.

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K.R. Nagaraja for the Respondents Nos. 1-4.

The following Order of the Court was delivered :

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After Mr. K.N. Bhat was designated as Senior Advocate, the Registry had issued noticed to all the appellants to make alternative arrangements as early as in 1987-88 and the same were served on all the appellants except appellant No. 2 who was reported to be dead. None has entered appearance through counsel nor did they appear in person today. As a matter of fact, it is the professional duty of the counsel, on being designated as Senior Advocate, to intimate that fact to all his clients and request them to make alternative arrangements to engage another advocate-on/record. It is no part of the duty of this Court to inform the parties. However, it has already been done. In view of the fact that the decree challenging the validity of the notification under section 4(1) of the Land Acquisition Act being common to all the appellants and being indivisible, the appeals stand abated against all since the legal representatives of the second appellant have not been brought on record till date.

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The appeals are accordingly dismissed. No costs.

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G.N

Appeals dismissed.