

Court No. - 17

Case :- SECOND APPEAL No. - 732 of 1988

Appellant :- Gopal Swaroop Bajpai And Others

Respondent :- Ramesh Chandra Bajpai

Counsel for Appellant :- K.B. Sinha, Agendra Sinha, Virendra Misra

Counsel for Respondent :- J.C. Srivastava, Atul Kr. Parmar, Bhavya Upadhyay, Desh Deepak Singh, Jitendra Saxena, Yashovardhan Swarup, Yashowardhan Swaroop

Hon'ble Manish Kumar, J.

The present second appeal was earlier also dismissed for want of prosecution on 21.11.2023. Thereafter, the order was recalled and the second appeal was restored to its original number by order dated 19.04.2024. On 8.7.2024 the case was adjourned on the illness slip of learned counsel for the appellants. On 27.11.2024 though the matter was adjourned on the request of learned counsel for the respondents but specific order was passed that it is made clear that the case will not be adjourned and appropriate order will be passed on the next date as the matter is of the year 1988. Order dated 27.11.2024 is quoted hereinbelow:

"Sri Rakesh Singh, learned Advocate holding brief of Sri Yashowardhan Swaroop, learned counsel for the respondent prays for and is granted two weeks and no more time for filing objection against the impleadment application.

List this case immediately after the aforesaid period. It is made clear that the case will not be adjourned and appropriate order will be passed on the next date as the matter is of the year 1988. "

Today again, illness slip has been sent by Sri Agendra Sinha, learned counsel for the appellant. As noted earlier, it is a very old case pertaining to the year 1988, it cannot be kept pending indefinitely on the repeated illness of the counsel for the appellant. Adjournment on the ground of illness is not acceptable, particularly in the background of earlier orders passed by this Court.

Accordingly, second appeal is dismissed for want of prosecution.

Order Date :- 19.12.2024

S. Kumar