

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3064 OF 1994
WITH
CIVIL APPLICATION NO. 1219 OF 2014
IN
WRIT PETITION NO. 3064 OF 1994**

Ramesh Ramavad Shukla
(Since deceased) Through L.Rs.
Udayraj Ramagya Shukla & Anr. ..Petitioners/Applicants

Vs.

Azizabi Wd/o Abdul Karim ..Respondent

....

None for Petitioners/Applicants.

Ms. Harbang Kaur, Advocate i/b M/s K.P. Tiwari & Co. for
Respondent No.1.

Mr. M.R. Yadav, Advocate i/b M.R. Yadav & Ass. for Respondent
No.2.

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**CORAM : N.M. JAMDAR, J.
DATED : 23 APRIL 2015**

P.C.:

On 9 April 2015 following order was passed:

“The writ petition was admitted on 8 August 1994, at that time the learned Counsel for Respondent No.1 made a statement that the part of the decree has already been executed and parties were directed to maintain status-quo. Thereafter the petition was on board on 12 January 2010 but none appeared for the

Petitioners and it was kept on 13 January 2010, that time also none appeared for the Petitioners and it was dismissed for non-prosecution. Thereafter the petition was restored. On 6 January 2014, at the request of Petitioner No.2 the matter was adjourned. On 21 January 2014, the Petitioners made a statement that irrespective of the presence of Advocate, the Petitioners will proceed with the matter. Thereafter on 29 January 2015 again the daughter of the Petitioner sought for time, nothing that for three dates nobody had appeared for Petitioners, by way of last chance, the petition was listed for dismissal. Thereafter again at the request of the Petitioners, it was adjourned and the matter is called out today. None appears for the Petitioners. The board for final hearing is notified a week in advance. Considering the earlier orders passed, petition is dismissed for non-prosecution.

2. Later on – The learned Counsel for the Petitioners appeared, and tendered apology. The dismissal is recalled. Stand over to 16 April 2015, to be listed under the caption 'for Dismissal'.

2. When the matter is called out today, none appears for the petitioner. It appears that the petitioner is taking the judicial process casually.

3. The petition and the civil application are dismissed for non-prosecution.

(N.M. JAMDAR, J.)