

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION (ST.) NO. 23025 OF 2015  
Ramachaibar s/o. Mukhram Firai .. Petitioner  
vs.  
Ramchandra V. Bait and ors. .. Respondents

Mr. Ashok Jaiswal i/b M.A. Adenwala for the Petitioner.

CORAM : M. S. SONAK, J.  
DATE : 02 SEPTEMBER 2015.

P.C. :-

1] When this matter is called out at 11.41 a.m, neither the petitioner nor his advocate are present. Accordingly, call out this matter at 1.00 p.m.

2] At 1.15 p.m., when matter is called out, Mr. Ashok Jaiswal, learned counsel, who appears for the petitioner in this matter, reports that he has no instructions in this matter.

3] On 25 August 2015, this Court was persuaded to grant *ex-parte* ad-interim relief. Possibly now, the petitioner has lost his interest in the matter. This is clearly abuse of process of the Court.

4] Since Mr. Ashok Jaiswal is not ready to proceed with the matter and reports no instructions, petition is dismissed for non prosecution.

5] As it is likely that even the order of dismissal of this petition may not be intimated to the concerned Court, Registry is directed to place this order before the Court of Small Causes Court at Mumbai in Execution Application No. 392 of 2015 in R.A.D. Suit No. 2984 of 1986 forthwith, so that the said Court can proceed with the execution of the eviction decree, in case the Appeal Court has not already stayed such execution.

**(M. S. SONAK, J.)**

dinesh

**CERTIFICATE**

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by : Dinesh S. Sherla  
Personal Assistant to the  
Hon'ble Mr. Justice M.S. Sonak  
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