

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7969 OF 2006**

Smt. Malati Rajaram Parshetye

..Petitioner

Vs

Purshottam Shankar Shetya,
deceased through L.Rs
1. Vasundhare alias Mandakini
and Anr.

.. Respondents

None present.

CORAM : R.G.KETKAR,J.
DATE : 22/06/2015

PC:

1. None appears for the petitioner. Perused the earlier orders dated 12.6.2015 and 15.6.2015. In the order dated 12.6.2015, it was recorded that none appeared for the petitioner in the morning session. Even in the afternoon session, none appeared. The matter was adjourned to 15.6.2015. It was made clear that in case on the next date of hearing nobody appears on behalf of the petitioner, Court will be constrained to dismiss Petition for non prosecution. The Petition was admitted on 11.1.2007. However, interim relief was refused

2. The matter was heard on 15.6.2015 when Mr. U.S.R.Singh learned counsel for the petitioner submitted that sole petitioner has expired. She had executed Will and had instituted proceedings on Original Side of this Court for Probate and said

proceedings are pending and he has returned all papers. In view of the statement of Mr. Singh that he had returned the papers, Petition was ordered to be listed today under caption 'for dismissal'. Mr. Singh has not placed any material on record to show that he has obtained discharge by following the prescribed procedure.

3. Even today none appears for the petitioner. It appears that the petitioner is not interested in prosecuting this Petition. Hence, Petition is dismissed in default. Rule is discharged. No order as to costs.

(R.G.KETKAR, J.)