

vks

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.151 OF 2015
IN
MISCELLANEOUS PETITION (L) NO. 1365 OF 2014
IN
TESTAMENTARY SUIT NO.57 OF 1995
ALONGWITH
NOTICE OF MOTION(L) NO.400 OF 2015
IN
APPEAL (L) NO.174 OF 2015
IN
MISCELLANEOUS PETITION (L) NO. 1365 OF 2014
IN
TESTAMENTARY SUIT NO.57 OF 1995**

Kashimira Hemant Kulkarni ... Petitioner

V/s.

Dattatray L Samant Respondent

Mr. P. Y Shankar, for the appellant.
Mr. Venkatesh Dhond, Senior Counsel a/w Mr.Mandar Limaye, for
the Respondent-State.

**CORAM : V.M. KANADE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 31st AUGUST, 2015.

P.C. :

1. The matter had appeared earlier on two occasions
before this Court. On both the dates, learned counsel appearing

on behalf of appellant submitted that the parties have settled the dispute. This fact is, however, disputed by the learned counsel appearing on behalf of respondent. On the other hand, learned Senior Counsel Mr. Dhond, has submitted that the letter head of Adv. Shri. Mandar Limaye has been forged and fabricated and on that basis made a false record to show that the parties have arrived at settlement. So also the death certificate of Kashibai Laxman Samant is forged one.

2. Today leaned counsel appearing on behalf of appellant submits that he has not received any instructions from the appellant though he has sent SMSs to her. He therefore, seeks discharge from appearance in this case. In view of his statement, learned counsel is discharged from appearing in this case.

3. Since the appellant has remained absent even on the last two dates and has falsely made statement that the parties have settled dispute, appeal will have to be dismissed for want of prosecution. Liberty, however, is granted to the respondents to take out appropriate application for creating false evidence

and for action being taken under the provisions of Section 340 of the Code of Civil Procedure.

4. Reserving the said right, appeal is dismissed for want of prosecution.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [V. M. KANADE, J.]

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order