

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 884 OF 1997
WITH
CHAMBER SUMMONS NO.60 OF 1997**

Mr. J.K. Kapoor And Others .. Petitioners

V/s

The Municipal Corporation for Greater
Bombay And Others .. Respondents

None for the Petitioners.

Mr. Vinod Mahadik for Respondent Nos.1 and 2-B.M.C.

**CORAM : A.S. OKA &
G.S. PATEL, JJ.**

DATE : NOVEMBER 27, 2015.

PC.:

1. As the Advocate for the petitioner is no more, notice was issued to the petitioners. Office remark shows that first petitioner has died 10 to 11 years back. Notice issued to third, fourth and fifth petitioners could not be served, as they were not found at the registered addresses mentioned in the petition. Notice of the second petitioner has been served on 03 October 2015. None appears for the Petitioners when the

petition is called out for hearing. We, accordingly, dismiss the petition for non-prosecution. Rule is discharged.

2. If an application for restoration is made, the petitioners will have to satisfy this Court that the cause of action for filing this petition still survives.

(G.S. PATEL, J.)

(A.S. OKA, J.)