

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2940 OF 2008**

Manoj Omprakash Suri & Ors.

.. Plaintiffs

Vs.

The Maharashtra Housing Area Development
Authority & Anr.

.. Defendants

Mr.Kevin A. Chettiar for plaintiffs.

Ms.Aparna Muralidharan i/b P.G. Lad for defendant no.1.

Mr.Bapoomalcom i/b Jurisconsultus for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 2ND MARCH, 2015

P.C.

1 This is a suit filed in the year 2008. The issues were framed on 1st December 2014 and the plaintiffs were directed to file their evidence, list of witnesses and also compilation of documents and serve a copy on or before 23rd January 2015. The matter was stood over to 4th February 2015 and the plaintiffs' first witness was directed to remain present. The matter however, did not get called out due to paucity of time and gotet listed again on 20th February 2015. Nobody appeared for the plaintiffs though the matter was called out twice. The suit was then placed for dismissal on 23rd February 2014. On 23rd February 2015, the counsel for the plaintiffs stated that he could not remain present on 20th February 2015 due to some personal inconvenience. When the counsel was asked as to why the plaintiffs have not complied with the directions passed on 15th December 2014, the counsel

stated that the plaintiff no.1 was not well and he was vomiting and had back-ache. Therefore, the matter was stood over to today for dismissal hoping that the plaintiffs at least by today would comply with the directions passed on 15th December 2014. Even today, the plaintiffs have not complied with the directions. The counsel stated that the plaintiff no.1 has been advised bed rest due slip disc and he has been told to remain in bed for about two months. Neither his affidavit, nor Doctor's certificate is filed. No explanation as to why the other plaintiffs cannot file affidavit and or comply with the directions passed on 15th December 2014. No explanation as to why arrangements cannot be made to take a Notary Public to the residence of the plaintiffs and have the affidavit of evidence affirmed. Simply oral statements are being made which are difficult to believe. On the last occasion, the counsel even stated that he was not receiving any instructions from the plaintiffs. Therefore, it is quite obvious that the plaintiffs do not wish to proceed with the matter and want the sword of the litigation hanging over the heads of the defendants particularly defendant no.2 who is an individual.

2 In the circumstances, the suit is dismissed for want of prosecution.

(K.R. SHRIRAM, J.)