

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

FIRST APPEAL NO. 664 OF 1996

Sunilkumar Kedarnath Fatepuria Vs. Madhukar Harbaji Nanhe

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

CORAM: A. S. CHANDURKAR J.

DATED: 08 APRIL, 2015.

The record indicates that on 17.09.2008 the appellants had instructed their counsel to withdraw his vakaltnama and handover the case papers. In view of said letter dated 17.09.2008, this Court on 10.11.2008 permitted the counsel for the appellants to withdraw his vakalatnama. Thereafter the record indicates that the office proceeded to issue notice to the appellants for engagement of another counsel on 23.02.2010. Since said date, service of said notice on the appellants has not been possible.

Considering the contents of letter dated 17.09.2008 which was filed along with Civil Application No. 7922 of 2008 it was not at all necessary on the part of the Office to issue notice for engagement of another counsel to the appellants in as much as the appellants themselves had chosen to withdraw the vakalatnama of their counsel

and had also requested for return of the case papers. Since said date the appellants have neither appeared nor have engaged any counsel on their behalf.

In view of aforesaid first appeal stands dismissed for want of prosecution under provisions of Order 41 Rule 17 of the Code of Civil Procedure.

JUDGE

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