

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

L.P.A.NO. 128/2002 & C.A.Z.NO.277/2013 IN F.A.NO.27/1984.

M/s/ Abid and Company. Nagpur.

-VERSUS-

Nagpur Housing and Area Development Board, Nagpur.

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

Court's or Judge's Orders

CORAM : **B.P.DHARMADHIKARI &**
S.B.SHUKRE, JJ.

DATE : **MARCH 26, 2015.**

Shri Kapadia, learned Counsel holding for
Shri Bhangde, learned counsel for appellant has filed
'No instruction pursis'. The same is taken on record
and marked "**Exh.X**" for identification. It is
accompanied by a notice forwarded to the appellant
concerned.

Shri N. Vyawahare, learned counsel for
respondent however, submits that in the light of Full
Bench judgment of this Court reported at **2008 (6)**
Mh.L.J. 941 (Mohd. Riyazur Rehman Siddiqui .vrs.
Deputy Director of Health Services), the Letters
Patent Appeal is not maintainable, as it is preferred

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after 01.07.2002.

Shri Kapadia, learned Counsel only to assist the Court invites attention to Full Bench Judgment reported at 2004 (3) Mh.L.J. 706 (Rahul Sharad Awasthi .vrs. Ratnakar Trimbak Pandit and others). According to him, observations in paragraph no.29 therein, squarely clinch the jurisdiction.

As the appellant / original plaintiff has chosen not to appear and give instructions, we do not find it necessary to adjudicate the question. Letters Patent Appeal is accordingly dismissed for want of prosecution. No costs.

Objection raised by learned counsel for respondent vide Civil Application is kept open, and can be looked into, if occasion therefor arise.

Rgd.

JUDGE

JUDGE