

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

WRIT PETITION NO. 1123 OF 2014

Shri Dilip Choudhary, Aurangabad,
Phoenix Tools Pvt. Ltd. .. Petitioner

versus

Shri Mohd. Asif Khan, sole proprietor
M/s Alchemy Tools Ltd., Delhi .. Respondents

None for petitioner
Mr. Khizer Patel, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th August, 2016

ORDER :

1. None appears for petitioner.
2. Learned counsel for respondent is present. He points out various orders passed by this court from time to time, including the order dated 18-03-2016 passed in civil application no. 1202 of 2015 preferred by respondent in writ petition.
3. Learned counsel points out that under order dated 06-02-2014, petitioner was directed to deposit Rs.3,00,000/- for staying execution. Pursuant to order dated 22-09-2014, petitioner was supposed to deposit an amount of Rs.2,00,000/- on or before

10-10-2014 in the executing court which he has deposited. Subsequently, on 12-01-2015, statement was made on behalf of petitioner that condition order of deposit of amount of Rs.3,00,000/- dated 6-2-2014 was already complied with.

4. While the order was being passed on 18-03-2016 in civil application no. 1202 of 2015, there was absence on behalf of the petitioner. So is the case when the matter is called out today. The matter, it appears, is not getting attended to on behalf of the petitioner from quite a long time from 16-6-2015. The matter has been on board on several dates. Again on 04-12-2015, matter was adjourned because of absence of petitioner. On the next date, 17-2-2016 also, matter was not attended to on behalf of the petitioner.

5. Such a lackadaisical approach on behalf of the petitioner in the matter goads me to pass an order of dismissal of writ petition for non prosecution.

6. Writ petition, as such, stands dismissed for non prosecution.

SUNIL P. DESHMUKH,
JUDGE

pnd