

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

APPEAL FROM ORDER NO.301 OF 2014

Mrs.Philomena Blaise Cascar & Ors. ..Appellants/Org. plaintiffs

Vs.

Mr.Peter Uttankar @ Cascar & Ors. ..Respondents/Org.Defts.

....

None for the appellants.

None for the respondents.

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CORAM : N.M. JAMDAR, J.

DATED : 22 MARCH 2016

P.C.:

. This appeal challenges the order dated 17 December 2013 passed by the learned City Civil Court, Dindoshi dismissing the notice of motion taken out by the appellant-plaintiff to restrain the respondent from creating third party rights.

2. Learned City Civil Court in the impugned order has noted that third party rights are already created in the suit property prior to the institution of the suit and, therefore, the plaintiffs are not entitled to the relief prayed for.

3. Appeal was filed in January'2014, None appeared in the matter on 17 June 2014 and it was adjourned for dismissal.

Thereafter at the request of the appellant, the matter was adjourned by 8 weeks since there was possibility of settlement.

4. Today when the matter is called out, none present for the appellant. It appears that the appellant is not interested in prosecuting this appeal. There is no ad-interim order in this appeal after rejection of the notice of motion on 17 December 2013. In the circumstances, the appeal is dismissed.

(N.M. JAMDAR, J.)