

WRIT PETITION NO. 1225 OF 2016
WITH
CIVIL APPLICATION NO. 2636 OF 2016

Dhananjay Chauhan	}	Petitioner
versus		
Indian Overseas Bank and Anr.	}	Respondents

None for the petitioner.

Mr. Prathamesh Kamat with Ms. Sapna
Rachure i/b. M/s. Tripathi and Co. for
respondent no. 1.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- OCTOBER 17, 2016

P.C. :-

1. This writ petition has been on board from the date of its inception. It was admitted on 20th January, 2016. On 29th January, 2016, an ad-interim order was passed by this court restraining the first respondent from taking physical possession of the premises in question. That was on the footing that the petitioner has set up a claim of tenancy and prior to the creation of the mortgage in favour of the first respondent.

2. After the ad-interim order was passed by this court, the writ petition was listed on several occasions. We had this writ

petition on our board after the reply affidavit was filed on 12th August, 2016. On that date, it could not be taken up, therefore, it was adjourned to 23rd September, 2016. On 23rd September, 2016, it was adjourned to 26th October, 2016. However, a circulation was sought of this matter on 3rd October, 2016. The date was preponed from 26th October, 2016 to 13th October, 2016. On 13th October, 2016, none appeared for the petitioner though duly informed about the preponement of the date.

3. The petitioner, after obtaining this ad-interim order, has not bothered either to appear before the court and seek continuation thereof or meet the contents of the affidavit in reply, which has been filed on behalf of the first respondent. We are, therefore, left with no alternative but to dismiss the writ petition for want of prosecution. The ad-interim order is vacated forthwith.

4. In the light of the dismissal of the writ petition, the civil application does not survive and stands disposed of as such.

(B.P.COLABAWALLA, J.) (S.C.DHARMADHIKARI, J.)