

JPP

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

WRIT PETITION NO. 412 OF 1990

Keshav Laxman Naik & Ors.

... Petitioners.

V/s.

Bibibegam Fakir Soumase

(Since deceased) by Heirs and L.Rs.

1a. Bilkia Gulam Mohd. Ghansar & Ors.

.... Respondents.

Ms. Anita Agarwal for the Petitioners.

None for the Respondents.

CORAM : N.M. Jamdar, J.

01 December, 2016.

P.C. :-

On 21 November 2016 following order was passed :-

“ The Petitioner has challenged the order passed by the learned District Judge, Thane allowing the Appeal dated 21 December 1989. The Writ Petition was dismissed for non-prosecution by order dated 10 October 2008. This Writ Petition was thereafter restored. After restoration of the Petition, the Petitioner has not reconstructed the papers and only incomplete memo of the Writ Petition remained. The learned Counsel for the

Respondents tenders a copy of the Civil Application bearing Stamp No. 26941 of 2016. In this Civil Application the Respondents have annexed various documents to show that the suit premises being dangerous for habitation, have been demolished.

2. None appears for the Petitioner. Papers have been reconstructed. It appears that in view of the demolition of the suit premises, the Petitioners have lost interest in prosecuting this Petition, only by way of pure indulgence, to give one more opportunity, stand over to week commencing from 28 November 2016. To be listed under the caption 'for dismissal'."

2. The learned Counsel for the Petitioners submitted that it is a fact that the premises have been demolished and she has no further instructions. In the circumstances, the Writ Petition is dismissed for non-prosecution.

3. In the order dated 21 November 2016, in the second sentence of paragraph 2, the word 'not' has been incorrectly omitted.

(N.M. Jamdar, J.)