

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

*CIVIL APPLICATION NO.460 OF 2016
IN
CIVIL APPLICATION NO.1344 OF 2009
IN
SECOND APPEAL NO.54 OF 1998*

Vasanti B. Bari ... Applicant.

IN THE MATTER BETWEEN

Vasanti B. Bari ...Applicant

V/s.

Tarabai R. Rajput ...Respondent.

None for the Applicant.

None for the Respondent.

***CORAM : N.M. Jamdar, J.
Friday 17 June, 2016.***

P.C. :-

The second appeal was dismissed by order dated 5.8.2004. While dismissing the appeal, this Court recorded that non appeared for the appellant continuously when the appeal was called out and, therefore, appeal was dismissed. By order dated 4.2.2005, the second appeal was restored. After restoration, the second appeal appeared on board on Shivgan

16.6.2008 when none appeared. Again on 12.11.2008 when the appeal was called out, none appeared and the appeal was dismissed for non prosecution. Thereafter, Civil Application No.1344 of 2009 was filed by the applicant-appellant for restoration. In that application also, none appeared for the appellant-applicant on various occasions and the application was placed under the caption for 'Dismissal'. Finally by the order dated 7.11.2009, application for restoration was dismissed. Thereafter, the present civil application is filed for restoration of the said civil application. Even the present application is taken out after a period of 6 years and 66 days. None appears for the applicant when the matter is called out. Board is notified a week in advance. In view of the continuous absence of the applicant-appellant in spite of restoring the same, the applicant-appellant has not even bothered to remain present for hearing of the application for restoration of the appeal as well as in the present application. No further indulgence can be shown to the applicant for the applicant's continuous negligence.

The civil application is rejected.

(N.M. Jamdar, J.)