

Sequeira

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

**CIVIL APPLICATION NO. 3338 OF 2015
IN
WRIT PETITION NO. 2363 of 2011
Along with
CIVIL APPLICATION NO. 1272 OF 2011**

Shri Shamrao Janardan Raskar.	.. Applicant
<i>In the matter of</i>	
Shri Nath Shikshan Prasarak Mandal	.. Petitioner
Vs.	
Shri Shamrao Janardan Raskar & ors.	.. Respondents

Mr.V.K.Bodhare i/b Mr.A.M.Joshi, for the Applicant /Respondents.
Mr.V.A.Madane, for the original Petitioner.

**CORAM: N.M. JAMDAR, J.
Friday, 26 February 2016.**

PC. :

On 8 January 2016 following order was passed.

'The learned counsel for the Applicant draws my attention to the disability certificate annexed to the application for which the medical board has certified that the Applicant is 89 per cent disabled. The learned counsel for the original Petitioner states that the State Government has appointed an Administrator in the Petitioner-school. Stand over to 29 January 2016. Either the Administrator himself will remain present or will depute a responsible officer with all instructions in the Court so that the grievance of the Applicant can be redressed. In the meanwhile, the learned counsel for the Applicant states that he will make a necessary representation to the Administrator stating forth his grievance. The learned AGP states that he will communicate the order to the concerned

officer to ensure presence of the person indicated above on the next date'.

2. On 29 January 2016 following order was passed.

'Neither the AGP nor the Administrator are present. Stand over to 5 February 2016, for 'directions'.'

3. On 5 February 2016, following order was passed.

'In this Civil Application on 8 January 2016 following order was passed :

“The learned Counsel for the Applicant draws my attention to the disability certificate annexed to the application for which the medical board has certified that the Applicant is 89 per cent disabled. The learned Counsel for the original Petitioner states that the State Government has appointed an Administrator in the Petitioner-School. Stand over to 29 January 2016. Either the Administrator himself will remain present or will depute a responsible officer with all instructions in the Court so that the grievance of the Applicant can be redressed. In the meanwhile, the learned Counsel for the Applicant states that he will make a necessary representation to the Administrator stating forth his grievance. The learned AGP states that he will communicate the order to the concerned officer to ensure presence of the person indicated above on the next date.”

2. On 29 January 2016 following order was passed :

“Neither the AGP nor the Administrator are present. Stand over to 5 February 2016 for directions.”

3. Today neither the AGP nor the Administrator are present. The learned Counsel for the management states that he has informed the management but there is no response.

4. Stand over to 12 February 2016 by way of last chance. If no instructions as regard the relief sought for in

the Civil Application are received by the Advocate for the Original Petitioner, it is presumed that the Original Petitioner is not interested in prosecuting the cause and appropriate order will be passed in the Writ Petition. Place the Civil Application alongwith Writ Petition on board on 12 February 2016'.

4. The matter was adjourned making it clear that if no instructions are received as regards the relief sought for in the Civil applications by the Advocate for the original Petitioner, it will be presumed that the Original Petitioner is not interested in prosecuting the matter and appropriate order will be passed.

5. The learned counsel for the Petitioner has placed communication addressed by him to the Petitioner and states that, no response is received. The Writ petition is dismissed for non-prosecution. Consequently, Civil application does not survive. Interim order is vacated.

(N.M.Jamdar, J.)