

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 973 OF 2016
AND
CIVIL APPLICATION NO. 975 OF 2016
IN
WRIT PETITION NO. 436 OF 1992

Ramdas Sitaram Dongrikar, since deceased
through his heirs Smt. Parvatibai Ramdas
Dongrikar & Ors.

.. Applicants

V/s

Ravindra Iswardas Sethna & Anr.

.. Respondents

None for the applicants.

None for the respondents.

CORAM: D.H. WAGHELA, CJ.

DATE : 15th JULY 2016

P.C.:

None present for the applicants.

2. Civil Application No. 973 of 2016 prays for recalling the order dated 6th February 2015 in Writ Petition No. 436 of 1992, which reads as under:-

“1. On 15 January 2015, none appeared for the petitioners. Accordingly, the matter was placed on 19 January 2015 for dismissal.

2. On 19 January 2015, the learned counsel appeared and furnished explanation. Accordingly,

the matter was placed on 6 February 2015 on the supplementary board for final hearing. It was clarified that no further adjournments will be granted.

3. Despite the aforesaid, today none appears for the petitioners. Accordingly, this petition is dismissed for non-prosecution.”

3. The only reason stated in the application for absence of anyone before the Court on 6th February 2015 is that the advocate for the applicant was held up in other Court and did not remain present when the matter was called out. In view of the fact that the main petition has been pending before the Court since the year 1992 and has not been consistently attended, the Civil Application No. 973 of 2016 is dismissed with no order as to costs.

4. In view of dismissal of Civil Application No. 973 of 2016, Civil Application No.975 of 2016 does not survive and stands disposed of.

(CHIEF JUSTICE)