

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

**APPEAL FROM ORDER NO. 335 OF 2016
WITH
CIVIL APPLICATION NO. 430 OF 2016**

Kanchan Manohar Arade

..... Appellant

Versus

M/s Radiance Properties (India) Ltd.
And Others

..... Respondents

None for Appellant/Applicant
None for Respondents

***CORAM : N. M. Jamdar J.
Thursday 7 July, 2016***

P. C.

1. The appellant challenges order passed below application under Section 80 of the Code of Civil Procedure. By the impugned order passed in January, 2016, as the learned Civil Judge felt that no case is made for dispensation of notice under Section 80 of the Code and the applicant can take recourse as per law, directed the return of plaint.

2. The appeal is filed in February, 2016. The appeal came up in regular course on 23 June, 2016 and it was adjourned today be listed under the caption 'for dismissal' as none had appeared for

the Appellant. The appeal is listed for 'Dismissal' on the board notified a week in advance. Board is also notified on the Website of the Court. In addition to the Advocate and litigant's duty to attend to the matter, this Court provides various facilities to the Advocates and litigants to be informed about the status of the matter. In spite of this position, none appears today. It appears that the appellant has lost interest in prosecuting the appeal.

3. The appeal and Civil Application No. 430 of 2016 are dismissed for non-prosecution.

(N. M. Jamdar, J.)