

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

CIVIL REVISION APPLICATION NO. 648 OF 2013

Mr. Dhruv K. Desai & Another .. Applicants
Vs.
Mr. Sourendra Nath Sarkar & Others ..Respondents

*WITH
CIVIL APPLICATION NO. 476 OF 2013*

Mr. Sourendra Nath Sarkar .. Applicant
Vs.
Mr. Dhruv K. Desai & Another ..Respondents

....

None for Applicants in CRA No. 648/2013.
Mr. Mahendra Agavekar for Respondent No.1 and applicant in CAC
No.476/2013.

***CORAM : N. M. Jamdar, J.
Date : 14 December 2016.***

P.C. :

On 3rd September, 2014, the following order was
passed:

*“Heard Mr. Bhosale, learned Counsel for
applicants and Ms. Sarkar, Constituted Attorney of
Respondent No.1.*

*Mr. Bhosale seeks time of four weeks on the
ground that arguing Counsel Mr. Nitin Mulye is in
personal difficulty. He assures that on the next date
of hearing, no adjournment will be sought and in
case Mr. Mulye is not in a position to conduct the
matter, appropriate arrangement will be made.*

In view thereof, at the request of Mr. Bhosale, stand over to 08.10.2014 with clear understanding that on the next date of hearing, application for adjournment at the instance of applicants will not be entertained. In the meantime, ad-interim order granted earlier to continue.”

2. Thereafter the applicants have sought permission to argue the matter in person. Thereafter none appeared on behalf of the applicants on 29th November, 2016 when the following order was passed:

“None for the Applicant. The learned counsel for the Respondent makes a grievance that in spite of the ad-interim order payment is not being made. Stand over to 14th December, 2016. To be listed under the caption “for Dismissal”.

3. The board is notified in advance and the matter is listed under the caption for Dismissal. This Court has provided various facilities to the litigants and Advocates to keep track of the progress of the matter. The board is also published on the website of the Court. In the circumstances, it appears that the applicants have lost interest in prosecuting the matter as in spite of all the above communications and information, the applicants have chosen to remain absent.

4. The Civil Revision Application is dismissed for non-prosecution. The ad-interim order is vacated.

5. The Civil Application stands dismissed.

6. The respondents will withdraw the deposited amount in this Court or in the Small Causes Court after the expiry of six weeks from today.

(N. M. Jamdar, J.)