

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

***APPEAL FROM ORDER NO. 432 OF 2014
WITH
CIVIL APPLICATION NO. 505 OF 2014***

Voltec Instruments (P) Ltd.,
C-205, Gambhir Industrial Estate,
Off. Aarey Road, Goregaon (E),
Mumbai – 400 063.

... Appellant/Applicant

v/s

Central Bank of India,
Nariman Point, Mumbai-21 & ors.

... Respondents

Mr. Prasad Patil i/by P.M. Havnur for the appellant/applicant.

None present for the respondents.

CORAM: N.M. JAMDAR, J.

DATED : 29 MARCH 2016

P.C.:

This appeal challenges the dismissal of notice of motion by an order dated 19 March 2014.

2 The Appellant filed the suit challenging the action of the Respondent Bank. The notice of motion was taken out praying for the reliefs that the Respondent Bank be directed to hand over the premises of the Appellant and also to pay the damages.

3 The appeal came up on board on 25 August 2014 when, at the request of the Appellant, the matter was adjourned and leave to annexe the copy of the reasoned order was granted. Thereafter none appeared for the Appellant on 17 February 2015 and the matter was kept for dismissal. Thereafter, when the matter was kept for dismissal, it was adjourned on the ground that the Appellant is exploring the possibility of settlement and it was to be shown for dismissal. Again, the learned counsel for the Appellant made a statement that they are exploring the possibility of settlement. Same statement was made on 28 April 2015. When the matter is called out today, neither the counsel appeared nor the advocate on record is present and a simplicitor adjournment is sought. Even the reasoned copy of the order is not placed on record. In any case, the reliefs prayed for in the notice of motion at the interim stage cannot be granted.

4 The appeal is accordingly dismissed.

5 In view of dismissal of the appeal, the civil application does not survive and is dismissed.

(N. M. JAMDAR, J.)