

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 432 OF 2009
WITH
Civil Application No.34 of 2010
IN
Civil Revision Application NO. 432 OF 2009

Denis Gabriel Fernandes And Ors. ...Applicants

Versus

Shoaib Salim Khan And Anr. ...Respondents

WITH
Civil Revision Application NO. 433 OF 2009

.....

Mr. Rupesh K. Bobade, Advocate for the Applicants.

Mr. J.S. Kini i/b. Suresh Dubey, Advocate for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 30th June, 2016

P.C.

1. Heard Mr. Rupesh K. Bobade, learned Counsel for the applicants and Mr. J.S. Kini, learned Counsel for respondents.

2. Mr. J.S. Kini states that in Civil Revision Application No.432/2009, applicants No.1 to 4 have expired in and around 2013. Despite that no steps are taken till date. Insofar as Civil

Revision Application No.433/2009 is concerned, the sole applicant has expired in or about 2013 and again no steps are taken. He invited my attention to the order dated 6.6.2016 when none appeared for the applicants. Again on 8.6.2016, none appeared for the applicants and the matter was kept on 9.6.2016 for dismissal. On 9.6.2016, at the request of Mr. Bobade, it was adjourned till today for dismissal.

3. On the other hand Mr. Bobade has tendered a photocopy of the letter dated 10.6.2016 addressed by him to the applicants calling upon them to contact him for taking further steps. He has also placed on record a photocopy of letter dated 14.6.2016 addressed by applicant No.5 in C.R.A. No.432/2009 to him, wherein it is stated that Frankie Sir would represent her in the Court on 30.6.2016. Said letters are taken on record and marked 'X' for identification. There is, however, no explanation as to why none appeared on 6.6.2016 and 8.6.2016. In fact on 9.6.2016 when the matter was kept for dismissal at the request of Mr. Bobade, the matter was adjourned till today for dismissal. It is only thereafter on 10.6.2016, a letter is addressed to applicant No.5 in C.R.A. No.432/2009. However, there is no

explanation for non-appearance on behalf of the applicants on 6.6.2016 and 8.6.2016. Even today Mr. Bobade is not ready to proceed with the matter and nobody is appearing for the applicants. In view of the orders dated 8.6.2016 and 9.6.2016, Civil Revision Applications are dismissed in default as also for not taking steps in the matter. Rule is discharged in both matters. No order as to costs.

(R. G. KETKAR, J.)

Deshmane (PS)