

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1570 OF 2016
IN
WRIT PETITION NO. 9231 OF 2013

Suhas Prabhakar Gore and another. ... Applicants.
V/s.

Pandurang Jaggu Gore (since deceased
through legal heirs)

Dilip Pandurang Gore and others. ... Respondents.

Ajay L. Bhise i/b. H.S.Venegaonkar for the applicants.

Ravi P. Kadam i/b. R.R.Galange for the respondents.

CORAM : D.H.WAGHELA, C.J.

DATE : 11th July 2016.

P.C. :

Learned counsel Mr.Bhise appears for the applicants and
learned counsel Mr.Kadam appears for respondent No.1.

2. It appears that during the pendency of the petition the
office objections have not been removed and the amendment was
allowed to be carried out within a period of one week by order dated
11th November 2013. Thereafter the petition was listed for

admission hearing and notice before admission was issued to the respondents on 7th January 2014, making it returnable on 4th February 2014.

3. Learned Registrar (Judicial-I) had made an order on 2nd February 2015 requiring the petitioners to take steps against respondent No.3 within four weeks, failing which the petition was to stand dismissed as against respondent No.3. Thereafter the matter does not appear to have been pursued for any effective hearing till 20th June 2016 when the petition was dismissed for default.

4. With the above background of facts, it is stated in the application that on 20th June 2016 when the matter was called out, the advocate for the applicants was on his legs before another Court and hence he could not attend the matter. It is further stated that he had mentioned the matter for restoration on the same day at 5.00 p.m. but he was asked to file an appropriate application for restoration.

5. It appears from the record that the original petition sought to challenge the order dated 22nd July 2013 of learned District Judge in Misc.Civil Appeal No.30/2013 whereby the judgment and order dated 16th February 2013 of learned Civil Judge passed below Exh.5 in Regular Civil Suit No.85/2012 was confirmed. The

petitioner has invoked Article 227 of the Constitution for challenging the orders as aforesaid with prayer for interim relief against the impugned orders. In such matters, learned advocates are required and expected to pursue the matter diligently and in any case the main civil suit is admittedly pending before the trial Court. In these facts and circumstances and the reason mentioned in the application having not inspired any confidence, the application is dismissed with no order as to costs.

CHIEF JUSTICE