

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.3206 OF 1998**

Babanrao Dattoba Gaikwad

...Petitioner

vs.

Pandurang Baburao Type & Ors.

...Respondent

.....  
Ms.Ujwala Sawant for the Petitioner i/b. Mr.R.V.Govilkar for the petitioner.

.....  
**CORAM : R. G. KETKAR, J.  
DATE : 8<sup>th</sup> JULY, 2016.**

**P.C.:**

1. The Counsel is not in position to proceed with the matter on merits. Having regard to the fact that the suit filed by respondent plaintiff under section 12 and 13(1)(g) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 is decreed by the courts below and further having due regard to the fact that the petition is of the year 1998, it is not possible to accede to the request made by the learned Counsel for the petitioner to adjourn the matter. She is also not ready to proceed with the matter on merits. In view thereof the petition is dismissed in default. Rule is discharged with no order as to costs.

2. In case petitioner files application for restoration, the said application will be considered only if petitioner proceeds with the matter on merits.

**(R.G. KETKAR, J.)**