

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7531 OF 2000
WITH
CIVIL APPLICATION NO. 246 OF 2002

Skyline N.E.P.C. Ltd. .. Petitioner
Vs.
Shri Sam Tavadia and anr. .. Respondents

Mr.T.R.Yadav i/b Mr.K.S.Bapat, for the Petitioner.
Ms.Rita R.Joshi a/w Mr.Swapnil P. Kamble, for Respondent
No.1.

CORAM : M.S.KARNIK, J.
DATE : 19th AUGUST, 2016

P.C. :

. On 04/01/2016, following order was passed by this
Court.

“None for the Respondents. The learned Counsel for the Petitioner states that he is taking steps to get discharge in this Petition. At his request, stand over to 1 February 2016. After the due notice of discharge from the Advocate for the Petitioner, the Petitioner will make alternate arrangement to appear in this matter on the next date, failing which the Court will consider proceeding with the matter in absence of the Petitioner, since the Petition is pending since the year 2000.”

2. Today, when the matter came up for final disposal,

learned Counsel for the petitioner submitted that through letter dated 07/01/2016, he had written to the petitioner that he would be seeking discharge and that he is not in a position to appear in the matter which is pending for hearing and final disposal. Request was also made by the petitioner's Advocate to the petitioner to make alternate arrangement to engage some other Lawyer to appear in the matter. The said communication, however, was returned back with endorsement "left".

3. In this view of the matter, learned Counsel for the petitioner is not in a position to prosecute the present Writ Petition. The present Writ Petition is, therefore, dismissed for non-prosecution. Letter dated 07/01/2016 is taken on record and marked 'X' for identification.

4. In view of the dismissal of the Writ Petition, Civil Application No. 246 of 2002 does not survive and the same is also disposed of accordingly.

(M.S.KARNIK, J.)