

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 25 OF 2015
IN
NOTICE OF MOTION NO. 862 OF 2012
IN
SUIT No. 1096 OF 2001
WITH
NOTICE OF MOTION No. 572 OF 2015

M/s. Klen and Marshalls
Manufacturers & Exporters Ltd. ... Appellants / Applicants
Vs.
Bank of Tokyo-Mitsubishi Ltd. ... Respondents

None for the Appellants / Applicants.

None for the Respondents.

CORAM : V. M. KANADE, &
REVATI MOHITE-DERE, JJ.

DATE : JANUARY 11, 2016

PC.

1. None appears on behalf of the Appellants / Applicants / Plaintiffs. It appears that Appellants are not keen in pursuing the appeal, which is evident in paragraphs 1 and 2 of the impugned order. In paragraph 1 of the impugned order, it is observed that certain

directions were given by this Court for filing affidavit of evidence, documents and compilation of documents on or before 10.10.2011. On that date the Court has observed that the parties have not complied with the orders of the Court. Thereafter by way of last chance, parties were directed to comply the said directions on or before 8.11.2011. The matter was thereafter placed on 25.1.2012, and on that date, the counsel appearing on behalf of the Plaintiffs informed the Court that the Plaintiffs are not responding to his request for instructions.

2. None appears on behalf of the Appellants, even today when the matter is called out. It is obvious that the Appellants / Plaintiffs are not keen in pursuing the appeal. Hence, the appeal is dismissed for want of prosecution. In view of dismissal of the appeal, Notice of Motion No. 572 OF 2015 taken out therein does not survive and is accordingly disposed of.

Sd/-
[REVATI MOHITE-DERE, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth