

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 312 OF 2013

Rajesh Padmanabhan ... Plaintiff
Versus
Suresh Ramaswamy Iyer and Ors. ... Defendants

Mr. G.A. Pursuthanan i/b. Legaleye Associates for the Plaintiff.
None for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 2ND FEBRUARY, 2016

P.C.:

1. In the above Suit, by an order dated 23rd November, 2015 issues were framed and the Plaintiff was directed to file his Affidavit of Evidence, Affidavit of Documents and Compilation of Documents on or before 19th December, 2015. The matter was adjourned to 21st December, 2015 for directions. The Plaintiff failed to comply with the said order dated 23rd November, 2015, on or before 19th December, 2015. Even even on 6th January, 2016 when the above Suit was called out for directions the Advocate appearing for the Plaintiff informed the Court that the Plaintiff has till date not complied with the order dated 23rd November, 2015. In view thereof, on 6th January, 2016 this Court passed the following order :

“1. The Plaintiff has filed the above Suit inter alia for a declaration that pursuant to the Gift Deed dated 9th July, 2000 the Plaintiff is the exclusive owner of the Suit flat.

2. By an order dated 23rd November, 2015 the issues were framed in the above Suit and the Plaintiff was directed to file his Affidavit of Evidence, Affidavit of Documents and Compilation of Documents on or before 19th

December, 2015. The Plaintiff has till date not complied with the order dated 23rd November, 2015. The Suit therefore deserves to be dismissed. However, as a last chance and only by way of indulgence, time is granted upto 13th January, 2016 to the Plaintiff to comply with the order dated 23rd November, 2015.

3. Stand over to 13th January, 2016 under the caption 'First on Board.'

2. The Plaintiff again failed and neglected to comply with the said order dated 23rd November, 2015 on or before 13th January, 2016. In fact, today i.e. on 2nd February, 2016, when the above Suit is taken up for directions, the Advocate for the Plaintiff states that the Plaintiff has again not complied with the order dated 23rd November, 2015. In view thereof, the Court is constrained to dismiss the Suit for want of prosecution.

(S.J.KATHAWALLA, J.)