

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

**SUIT NO.2902 OF 1996
WITH
NOTICE OF MOTION NO.902 OF 2010**

Parshuram R. Shinde ... Plaintiff
Versus
Kantidevi Agarwal and Ors. ... Defendants

Mr. Shaikh i/by M/s. Pravin Mehta and Mithi and Co., for Plaintiff.
Mr. G.N.Salunke, for Defendant No.14.
Ms. Nivedita Kungaji i/by Mr. A.V.Jain, for Defendant Nos.1(B), 1(D) and 1(E).

CORAM: S.J. KATHAWALLA, J.

DATE: 11th JANUARY, 2016

P.C.:

1. On 4th January, 2016, this Court has passed the following order :

“The learned Advocate appearing for the Plaintiff on instructions states that the Plaintiff has passed away on 17th May, 2015 and though he has served a letter to the legal heirs of the Plaintiff on 4th September, 2015 seeking instructions from them, they have not come forward to give any instructions to them. The said letter is taken on record and marked 'X' for identification. Office to therefore issue Notice to the legal heirs of the Plaintiff at the address shown in the said letter marked 'X' informing them that the matter is now placed before this Court on 11th January, 2016 and if they fail to appear before this Court or fail to give written instructions to their Advocate before that day, the Court shall proceed to dismiss the Suit for want of prosecution.

2. The copies of the Notice of Motion as well as this order shall be served on the legal heirs of the Plaintiff by hand delivery.

3. Stand over to 11th January, 2016, F.O.B”.

2. Office has complied with the directions given in the above Order and produced acknowledgments of the parties. Despite receipt of the order, the heirs of the Plaintiff are not present in Court by themselves and/or through their Advocates. They have also not given any instructions to the Advocate who was earlier appearing for the deceased Plaintiff. In view thereof, the Suit as well as Notice of Motion are dismissed as abated/want of prosecution.

(S.J.KATHAWALLA, J.)