

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

APPEAL (L) NO. 221 OF 2013

IN

TESTAMENTARY SUIT NO. 5 OF 2007

Mr. Sorab Kaikhushroo Modi

...Appellant

Versus

Izadyas Rohinton Irani

...Respondent

None for the Appellant.

Mr. R.M. Nakhava, i/b Mr. Vasant Dhawan, for the Respondent.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATE : 20th June 2016

P.C. :

1. On 17th March 2016 when the Appeal was called out, Appellant appearing in person was not present. Therefore, the Court fixed Appeal on 26th April 2016 and the Registry was directed to issue intimation of the date fixed to the Appellant. Service Report dated 26th April 2016 shows that the house of the Appellant was found in locked condition. The order dated 26th April 2016 of this

Court records that at the request made by the Appellant appearing in person, the Appeal was adjourned till today. Though the Appellant appearing in person was aware that the Appeal is to be listed today, he is not present. The Appeal was called out on two occasions today. Hence, Appeal is dismissed of for non prosecution.

[A.A. SAYED, J.]

[A.S. OKA, J.]