

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUIT NO. 1252 OF 2005**

Emirates NBD Bank (PJSC)

...Plaintiffs

vs.

Dinesh Kishin Kikla and another

...Defendants

Ms. Shivani Khanna, along with Mr. Saahil Bijliwala, instructed by M/s. FZB & Associates, for the Plaintiffs.

Ms. Ambreen Saheed, instructed by M/s. MDP & Partners, for Defendant No.1.

Mr. Raj Patel, instructed by M/s. Sonal Doshi & Co., for Defendant No.2.

CORAM: S.J. KATHAWALLA, J.**DATE : 4th JANUARY, 2016****PC.**

The above suit is pending in this Court for the last more than ten years. On 1st October, 2015, the Plaintiffs were directed to file their list of witnesses, affidavit in lieu of examination-in-chief of the first witness together with compilation of documents and serve a copy thereof upon the Advocates for the Defendants on or before 31st October, 2015.

2. Not only did the Plaintiffs not bother to comply with the said directions dated 1st October, 2015 by providing the list of witnesses, affidavit in lieu of examination-in-chief, etc. to the Advocates for the Defendants on or before 31st October, 2015, but failed to do so even on 20th November, 2015, when the above

suit was taken up for directions. In view thereof, on 20th November, 2015, this Court (Coram: S.C. Gupte, J.) passed the following order:

“As a last chance, a further time of six weeks from today is granted to the Plaintiff to file its affidavit of documents together with a compilation and also affidavit of evidence in lieu of examination-in-chief together with the list of witnesses. Stand over to 4th January 2016, for directions” .

3. Today, i.e. 4th January, 2016, the suit is again taken up for directions. Despite the Plaintiffs being given a last chance on 20th November, 2015, by granting further six weeks time to comply with the order dated 1st October, 2015, the Plaintiffs have till date failed and neglected to comply with the said directions.

4. The Advocate for the Plaintiff seeks further time to comply with the order dated 1st October, 2015. In the absence of any legitimate ground, if further time is granted, the Court would be making a mockery of its own order granting a “last chance” to the Plaintiffs to comply with its earlier directions by 4th January, 2016 i.e. today. .

5. In view thereof, I am constrained to dismiss the above Suit for want of prosecution.

(S.J. KATHAWALLA, J.)