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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 82 OF 2013**

Ketan Babulal Doshi	...Petitioner
<i>Versus</i>	
Rajesh Babulal Doshi	...Respondents

None *for the Petitioner.*
None *for the Respondents.*

CORAM: G.S. PATEL, J.
DATED: 7th March 2016

PC:-

1. In this matter, I see a curious but definite pattern. This is a Miscellaneous Petition. It has been on board before me and then later before Mr. Justice A.K. Menon since January 2015. I find from the record that either the Petitioner or his Advocate choose to remain present only on every fourth or fifth occasion when the matter is listed but remain absent on every other occasion when the matter is listed and taken up. For instance, the Petitioner's Advocate was present on 5th January 2015. None were present thereafter on 6th April 2015, 9th June 2015, 13th July 2015, 20th July 2015 and 21st July 2015. During that time, the Petition was dismissed on 20th July 2015. At 3.00 p.m., the Petitioner's Advocate appeared and asked for restoration. The matter was kept the next day. Again none was present. That day, however, due to

heavy rains the matter was not dismissed. On 24th July 2015, both parties were represented by their Advocates. The Petition was posted to 28th August 2015. On that day, the Petitioner's Advocate was present but the Respondent was not. Thereafter, none were present on 7th October 2015. Before Mr. Justice A.K. Menon, none remained present on 20th November 2015 but both the Advocates appeared on 2nd December 2015. On 5th December 2015, the Petitioner was represented, yet once again on 11th January 2016 and 22nd January 2016 none remained present. Clearly, the number of times the Petitioner and his Advocate were present are far fewer than the number of times that they are absent. I refuse to adjourn these matters indefinitely or to allow parties this sort of indulgence of attending to matters at their own convenience.

2. The Petition is dismissed. It will not be restored hereafter without a proper application. I am making it clear that on any such application, the Petitioner might well be put to stringent terms as a condition precedent for any restoration and that an order of restoration will not be made for the asking. Indeed, it might not be made at all.

(G. S. PATEL, J.)