

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1730 OF 2005

Resma Ramesh Rane-Nee
Vijaya Parshuram Sawant & Anr. ..Petitioners
V/s.
Smt.Indumati Pandurang Kurade & Ors. ..Respondents

None present for the Petitioners.

Mr.P.B. Shah i/b Mr.Kayval P. Shah for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 06th OCTOBER 2017

P.C.

1. Neither the petitioners nor their advocates are present.
2. Though this matter was duly notified on the cause list of final hearing board.
3. In fact, on the earlier occasion, Mr.Shah, the learned counsel for the respondent-landlord had mentioned this matter by stating that this is a case of non-user of the suit premises which non-user, still continues. On this basis Mr.Shah applied for early hearing. Since, neither the petitioners nor their advocates were

present, directions were issued for issuance of notice to the petitioners and their advocate. Mr.Shah points out that such notice has infact been issued and even affidavit of service has been filed. All this is reflected in the order dated 01st September 2017.

4. Despite all these, today, neither the petitioners nor their advocates are present. The matter has been listed today on the board of final hearing. Accordingly, this petition is dismissed for non-prosecution.

5. Interim order, if any stands vacated.

(M. S. SONAK, J.)