

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

**CIVIL APPLICATION NO.1025 OF 2004
IN
WRIT PETITION NO.4111 OF 2003**

Daudayal D. Agarwal ..Applicant
V/s.
Balaichandradas Duracharandas & Ors. ..Respondents

None present for the Applicant.

Mr.Dishang Shah i/b Mr.P.M. Shah for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 09th OCTOBER 2017

P.C.

1. On 28th September 2017, since none appeared for the applicant, this matter was directed to be stood over to 05.10.2017 under the caption 'for dismissal'.

2. Today, neither the applicant nor his advocate appears. Accordingly, this Civil Application is dismissed for non-prosecution.

3. The Civil Application had applied for recall of orders dated 16.03.2004 by which the main petition had been dismissed against the respondent Nos.2 and 3 for non-prosecution. Since, the

order dated 16.03.2004 is not set aside and the petition stands dismissed against the respondent Nos.2 and 3, there is no point to proceeding with the petition only as against the respondent No.1. The Original respondent No.1 has in any case, expired.

4. In the aforesaid circumstances, the Civil Application as well as main petition itself are dismissed for non-prosecution.

5. Interim orders, if any, stand vacated.

(M. S. SONAK, J.)