

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.2476 OF 2002****IN****FIRST APPEAL NO.746 OF 2002****WITH****CIVIL APPLICATION NO.3607 OF 2003****IN****FIRST APPEAL NO.1117 OF 1998****WITH****CIVIL APPLICATION NO.3608 OF 2003****IN****FIRST APPEAL NO.1117 OF 1998**

Hiralal Murlidhar Chaturvedi (Chobe)

...Applicant/Appellant

vs.

Banwarilal K. Chaturvedi & Ors.

...Respondents

....

None for the Applicant.

Ms. Ankita Naik, i/b. Indrayani Koparkar, for Respondent Nos. 4B and 4C.

Mr. Yogesh Dabke, AGP, for Respondent No.5.

.....

CORAM : S.C. GUPTE, J.**DATED : 17 APRIL 2017****P.C. :**

. This Civil application is for stay of execution of the impugned order passed by the Deputy Charity Commissioner, Mumbai and restraining the Respondents by an order of temporary injunction from creating third party rights in respect of the suit property, pending the hearing and final disposal of the First Appeal.

2. This Court noted on the last occasion, i.e. on 1 September 2016, that the First Appeal was dismissed for default against some of the Respondents, whereas against some others it has stood abated and that hearing of the First Appeal, along with Civil Application, was adjourned as a last chance. It was made clear that if none appeared for the Applicant/Appellant, further consequential orders would follow. Even today, none appears for the Applicant/Appellant. In the premises, the First Appeal, along with Civil Application No.2476 of 2002, is dismissed for default.

3. In view of the disposal of the First Appeal, Civil Application No.3607 of 2003, which is for expeditious hearing of the First Appeal, does not survive and the same is also disposed of.

4. Civil Application No.3608 of 2003 is for the same relief, namely, stay of execution of the impugned order. This Civil Application is also disposed of.

(S.C. GUPTE, J.)