

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5839 OF 1996**

Dharamshi Kunverji	...Petitioner
<i>Versus</i>	
M/s Premji Karabhai & Co	...Respondent

None *for the Petitioner.*
Mr MR Nair, *i/b GS Bhatt, for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 2nd November 2017

PC:-

1. I find from the record that the Petitioner has been persistently absent. Indeed few months before it was admitted, the petition was dismissed for default on 19th August 1997. It is then restored and rule was issued.

2. Final hearing matters for today and tomorrow were notified a week ago with a specific noting that there will be no adjournment.

3. This Petition is of 1996. This cannot be delayed year on year in this fashion. Having regard to all these circumstances, the Petition is dismissed for non prosecution. Rule is discharged. All interim orders stand vacated.

4. The petition will not be restored without sufficient cause being made out in a proper application. The Petitioner is put to notice that any order of restoration may be made subject to payment of costs as a condition precedent.

(G. S. PATEL, J.)