

Sequeira

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

WRIT PETITION NO.4444 OF 1994

Smt.Gourabai Ningappa Gavasane and others. .. Petitioners
Vs
Balasaheb alias Sidheshwar and others. .. Respondents

None for Petitioners.

Mr.Milind Deshpande, for Respondent Nos.1, 2 and 4.

***Coram : N.M.Jamdar, J.
Date : 24 March 2017.***

P.C. :

On 17 February 2017 following order was passed-

'On 13 January 2017 following order was passed :-

“ This Petition is pending since 1994. On 18 February 2011 the Petition was dismissed for non prosecution. Thereafter, the Petition was restored on 25 March 2011. On 23 January 2012 it was noted that 1st and 2nd Respondents have expired and the Petition is abated as against them.

2. On 21 November 2016 none appeared. Directions were issued to reconstruct the papers. It appears that after restoration, papers have not been reconstructed. The matter is

notified for dismissal.

From the above orders, it is clear that the Petitioners have lost interest in prosecuting this Petition. Hence, it is dismissed for non prosecution.

At 3.00 P.M.

3. The learned Counsel for the Petitioners appears and prays for further time for reconstruction of papers. The time granted under order dated 21 November 2016 is extended for a period of four weeks from today. Stand over to 9 February 2017.”

2. The Advocate for the Petitioners has not filed Vakalatnama till date. The Petition is already stands abated as against Respondent Nos. 1 and 2.

2. The learned counsel for Respondents is present. The learned counsel for the Respondents states that the Respondent No.1 and 3 have expired and not Respondent No.2. In any case it appears that no steps have been taken even against these Respondents. The Advocate who had appeared earlier and sought restoration of the matter after it was dismissed for non-prosecution, has not filed vakalatnama. Even today it appears that the Petitioners are not interested in prosecuting this Petition. The Writ Petition is accordingly dismissed for non-prosecution.

(N.M.Jamdar, J.)