

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6044 OF 1996**

Moti Dinshaw Irani & Ors	...Petitioner
<i>Versus</i>	
Balkrishna Bhaurao Kakade (deceased) Through LRs & Ors	...Respondents

None *for the Petitioner.*

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

PC:-

1. None for the Petitioner. Rule was issued on 17th January 1997. Then notice was issued to the Respondents on 2nd March 2010. In the meantime, amendments were also effected. There were several occasions in 2010 when the Petitioner was not represented (on 12th July 2010, 26th July 2010, 30th November 2010). On 24th July 2017 this Court noted the application for adjournment on behalf of the Petitioner but said that if the Petitioner on the next date did not proceed with the final hearing, the Court would pass an appropriate order including dismissing the Petitioner for non prosecution.

2. I now proceed to do exactly that. The Petition is dismissed for non prosecution. Rule is discharged. All interim orders stand vacated.

3. 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.)