

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

**WRIT PETITION NO. 3858 OF 1997**

Nagu Appanna Pujari & Otehrs

...Petitioners

*Versus*

Ramchandra Sopanna Bhui & Others

...Respondents

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None present for the Petitioner.

None present for the Respondent.

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**CORAM : M. S. SONAK, J.**

**DATE : 23<sup>rd</sup> JUNE 2017**

**P.C.**

1. The petition is already dismissed as against respondent No.1 vide Court's order dated 20<sup>th</sup> January 2000. It does not appear that any steps to have been taken to restore this matter.

2. Certain directions were issued on 25<sup>th</sup> May 2017. However, such directions, did not appear to have been complied with.

3. Today when the matter is called out neither the petitioners nor their advocate are present. In terms of the interim order granted by this Court further proceedings in Regular Civil Suit No.1170 of 1995 have been stayed.

4. Since, this matter pertains to the year 1997 and

proceeding in the suit of the year 1995 have been stayed. It is not possible to grant any further indulgence in this matter.

5. There is yet another reason for which this petition is being dismissed. By the impugned order, the learned Trial Judge, has held that the suit as instituted is maintainable and the Civil Court, has jurisdiction to entertain the suit. If the suit proceeds and it is ultimately, decided against the petitioner herein, the petitioners, will always have liberty to institute a substantive appeal to challenge the decree that may be made in such an appeal. It will be open to the petitioners to raise the issue of jurisdiction and maintainability.

6. Petition is accordingly, dismissed. Interim order, if any, is hereby vacated.

7. Registry to send a copy of this order to the Joint Civil Judge Senior Division, Kolhapur taking up Regular Civil Suit No.1170 of 1995 within a period of two weeks from today, so that, Regular Civil Suit can proceed in accordance with law.

**(M. S. SONAK, J.)**