

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3551 OF 2001
IN
FIRST APPEAL (STAMP) NO. 35077 OF 1997
WITH
CIVIL APPLICATION NO. 3552 OF 2001
IN
FIRST APPEAL (STAMP) NO. 35077 OF 1997

The State of Maharashtra	..	Applicant
vs.		
Moghul Bhaga Rokade	..	Respondent

Mr. A. A. Palkar - AGP for Applicant / Appellant.
None for Respondents.

CORAM : M. S. SONAK, J.
DATE : 06 MARCH 2017

P.C :

1] On 4 January 2017, this Court made the following order:

"1] The first appeal relates to the year 1997. No steps have been taken by the State to serve the respondents in the application seeking condonation of delay. There is really no explanation as to why no steps were taken for this length of time.

2] Learned Asst. Government Pleader for the applicant, however, states that the last order in the Roznama dated 29 November 2001 records that the matter was kept pending because it was awaiting service. He submits that thereafter the matter was not come up either before this court or the registry. It is for this reason no steps were taken. He, however, assures to this court that steps would be taken to effect service upon the respondents within four weeks from

today. Accordingly, by way of last chance four weeks time is granted to the applicant to effect service upon the respondents.

3] In addition to the notice to be issued by the registry, the applicants are permitted to effect private service upon the respondents and thereafter to file an affidavit of service before the returnable date.

4] It is made clear that if within a period of four weeks from today service is not effected, the appeal shall stand dismissed for non-prosecution without any further reference of this court.

5] In any case, place this matter on 7 February 2017 on supplementary board, irrespective of whether or not service is effected, so that formal orders can be made on the said date.”

2] The office notings indicate that no steps have been taken within the stipulated period. Therefore, in terms of the self operative order dated 4 January 2017, the civil application and consequently the appeal and civil application for stay stand dismissed for non prosecution. Interim order, if any, stands vacated.

(M. S. SONAK, J.)