

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

**CIVIL APPLICATION NO.1958 OF 2015
WITH
CIVIL APPLICATION NO.1960 OF 2015
IN
SECOND APPEAL (ST) NO.32425 OF 2015**

Bank of India
(Through Shri Madhukar G. Kulkarni) ...Applicant/Appellant
Versus
Shri Kundalik N. Deshmukh (Gharge) ... Respondent
.....
None for the Applicant/Appellant.
Mr. R.V.Bansode, Advocate for the Respondent.

.....

CORAM : S.C.GUPTE, J.

DATE : 10 FEBRUARY 2017

P.C. :

. In Civil Application No.1960 of 2015, by an order dated 18.12.2015, rule was made returnable. In addition to Court notice, the Applicant was permitted to serve the Respondent by private service and file affidavit of service by the next date. There is no service and no affidavit. This Court had made clear in the order dated 18.12.2015 itself that ad-interim relief in terms of prayer clause (c) (later on corrected as prayer clause (b)) was granted in the Civil Application on the condition of depositing the decretal amount before the executing court within a period of one week and if the amount was not so deposited, ad-interim order granted shall stand vacated without further reference to this Court. There

is a remark of Court office that the Applicant/Appellant has not intimated to the office whether it has deposited decretal amount before the Executing Court within the stipulated time. The matter thereafter appeared before this Court on 5.8.2016 when none appeared for the parties. No copies were supplied by the Applicant's advocate for issuing notice to the Respondent in terms of the order dated 18.12.2015. Today when the Civil Application is called out, none appears for the Applicant. The Civil Application is, accordingly, dismissed for want of prosecution.

2 Civil Application No.1958 of 2015 is for condonation of delay in filing the present Second Appeal. The Civil Application was called out on 8.7.2016 when none appeared for the Applicant. Even on the next date, i.e. on 5.8.2016, none appeared for the Applicant. The Civil Application is, accordingly, dismissed for want of prosecution.

(S.C.GUPTE, J.)