

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

**CIVIL APPLICATION NO. 3333 OF 2015  
IN  
WRIT PETITION NO. 8200 OF 2013**

|                                  |   |                    |
|----------------------------------|---|--------------------|
| <b>Govind Kondiba Gaikwad</b>    | } | <b>Petitioner</b>  |
| <b>versus</b>                    |   |                    |
| <b>The Chairman/Secretary</b>    | } |                    |
| <b>Lokmanya Tilak Jankalyan</b>  | } |                    |
| <b>Shikshan Sanstha's</b>        | } |                    |
| <b>Lokmanya Tilak College of</b> | } |                    |
| <b>Engineering and Anr.</b>      | } | <b>Respondents</b> |

Mr. Sanjay E. Prabhu for the petitioner-  
absent.

None for the respondents.

**CORAM :- S. C. DHARMADHIKARI &  
B. P. COLABAWALLA, JJ.**

**DATED :- FEBRUARY 24, 2017**

**P.C. :-**

1. This writ petition is pending in this court from 9<sup>th</sup> April, 2013. On 9<sup>th</sup> October, 2013, which was the returnable date, it was listed before the Bench presided over by Hon'ble Mr. Justice A. S. Oka. Notice was directed to be issued to the respondents, returnable on 2<sup>nd</sup> December, 2013. From that date, till compliance with this order and direction, the matter came to be repeatedly listed before the Registrar (Judicial). Neither the petitioner nor his advocate were present. In the meanwhile, the

petitioner has expired. A request is made to bring his legal representatives on record and a civil application is lodged. That civil application is filed in this court on 1<sup>st</sup> December, 2015.

2. No orders in furtherance of the prayers in the civil application have been passed nor the relief in the same pressed. It is unfortunate that the claim is towards the deceased petitioner's dues and retirement benefits. If such amounts, as are payable to him on his retirement, have not been paid by the University of Mumbai and the amounts are required by his wife, son and daughter, then, the least that was expected that they attend the court and press for the relief in terms of the prayers in the civil application. We have found that the matter has been listed repeatedly. The application is regularly appearing on our board with the same appearances. None is present even today when the application is listed for hearing. Hence, we proceed to dismiss it for want of prosecution.

(B.P.COLABAWALLA, J.)      (S.C.DHARMADHIKARI, J.)