

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL (L.) NO. 73 OF 2016
IN
NOTICE OF MOTION (L.) NO. 107 OF 2016
IN
SUIT NO. 1210 OF 2003
WITH
NOTICE OF MOTION NO. 2209 OF 2016**

Prabhakar Bhagwan Jathar & Ors. ... Appellants.

V/s.

Kalpna Bhagwan Jathar & 4 Ors. ... Respondents.

None for the Appellants.

Mr. Rajesh Patil a/w. Kanchi Joshi, Meet Sawant, Sana Khan
i/by Mahesh Jani & Co. for the Respondents.

Mr. Ketan Trivedi, Commissioner for Taking Accounts.

**CORAM : V. M. KANADE AND
P.R. BORA, JJ.**

DATE : 14th FEBRUARY, 2017

P.C. :

1 None appears on behalf of the Appellants.

2 The learned counsel appearing on behalf of the Respondents submits that despite several orders passed by this court, the appellants have not complied with the impugned order. This court by order dated 23rd September, 2016 has

directed appellant no.1 to deposit Rs.25,000/- per month towards the rent which could be paid to the Respondents. He submits that till this date, this amount has not been paid.

3 The appellants and the respondents are brothers and sisters. A suit for administration of the estate of their deceased father was filed by the Respondents. The said suit was decreed and the order was passed by the Executing Court for the sale of the suit property, which is a flat admeasuring about 500 square feet situated in Mumbai. It appears that several orders were passed during the pendency of the appeal. The impugned order dated 15th January, 2016 is the order passed in Notice of Motion (L.) No. 107 of 2016. The said Review/Notice of Motion was also dismissed. The appellants thereafter also not permitted the Commissioner for Taking Accounts to enter the suit flat for the purposes of taking its inspection and carry out its proper valuation.

4 Since today also none appears on behalf of the appellants, we dismiss the appeal for want of prosecution. In the meantime, the Commissioner for Taking Accounts is directed to take further steps as per the decree in the judgment passed.

(P.R. BORA, J)

(V.M.KANADE, J)

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