

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

35 FIRST APPEAL NO.1394 OF 2004
WITH CA/934/2005 IN FA/1394/2004

GURSIDHAPPA CHANAPPA KARANJE
VERSUS
SMT.SUNANDA BALIRAM SALUNKE & ORS

...

Mr. CR Deshpande, Adv. For Resp.Nos.1 to 4;
Mr. S G Chapalgaonkar, Adv. For R/6.

CORAM : P.R. BORA, J.
DATED : 15th OCTOBER, 2018.

PER COURT:-

1. When the present matter was taken up for hearing, no one has appeared for the appellant. On the previous date, i.e. on 1st October, 2018, this court has passed the following order, -

"1. Shri S.R.Barlinge, learned Counsel appearing for the appellant, submitted that according to the instructions received to him, the appellant is no more. The learned Counsel seeks two weeks' time to enable him to take on record the names of legal heirs of deceased appellant."

2. Previous to that, on 14th September, 2018, following order was passed by this court, -

"1. The record shows that the appellant has not attended the present matter in the past. However, in the interest of justice, stand over to 1st October, 2018 by way of a last chance.

2. It is clarified that if the

(2)

matter is not worked out on the given date, necessary orders would follow."

3. It seems that the appellant is not interested in prosecuting the matter further. Since there is no concrete information, whether the appellant is no more or is alive, the appeal cannot be said to be abated. However, since the appellant has failed in proceeding with the matter despite due opportunities, no option is left except to dismiss the appeal for want of prosecution. It is accordingly dismissed for want of prosecution. Pending civil application, if any, stands disposed of.

4. The amount deposited, if any, if not withdrawn by the original claimants, it would be open for them to withdraw the said amount along with interest accrued thereon.

(P.R. BORA)
JUDGE

bdv