

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 3984 OF 2015
IN FAST/5348/2015

M/S ZUARI INDUSTRIES LIMITED
VERSUS
PRATIBHA ASHOKRAO SWAMI AND ANR

...
Advocate for Applicant : Mr. K.G. Patil

CORAM : K.K. SONAWANE, J.
DATE : 18th JUNE , 2018.

PER COURT:

Despite several opportunities given to the applicants for taking steps to secure the presence of the respondents, no response is received from the applicant. The applicant did not take any steps for securing presence of respondents. The matter is pending since the year 2015 just for appearance of the respondents. In view of lackadaisical attitude on the part of appellant to pursue the matter, there is no propriety to keep the present application alive, for condonation of delay.

2] At this juncture, learned counsel for applicant submits that the matter pertains to recovery of near about Rs. 20 Lakhs, and in view of enhancement of pecuniary jurisdiction of the District Court upto rupees one crore, as per the amendment in Bombay City Civil Court's Act, 1869 by the Bombay City Civil Court's (Amendment) Act, 2015 dated 29-07-2015, he requested to transmit the present proceeding to the concerned District Court for further process. It is worth to mention that the present proceeding is pending in this court since 2015. Uptill this date, the applicants did not take any steps to secure presence of the respondents promptly with due diligence. In case, as per the submission of learned counsel for the

applicants, the matter is transmitted to the concerned district court, again there may be a possibility of further delay in the matter for securing presence of the parties. The applicants are not found vigilant to pursue the matter. In view of conduct and demeanour of the appellant, there is no propriety to relegate back the present proceeding to the concerned district court for further process.

3] In view of above, the application for condonation of delay stands dismissed. No orders as to costs.

[K.K. SONAWANE]
JUDGE.

grt/-