

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

FIRST APPEAL NO. 697 OF 2009 WITH CA/4168/2009
IN FA/697/2009 WITH CA/3167/2016 IN FA/697/2009

SATISH BHANUDAS CHAVAN
VERSUS
MADHUKAR WAMAN BHARASKAR AND OTHERS

...
Advocate for Appellant : Mr. S. S. Jadhav.
Advocate for Respondents No.1 to 3 : Mr. N. B. Narwade.
...

CORAM : K.K. SONAWANE, J.

DATED : 6th JUNE, 2018.

Order :-

When the matter is called out, none appears on behalf of appellant.

2. The record of proceedings adumbrates that this Court on own motion issued notice to the appellant under Order dated 18th March, 2016 and the notice was served through representative to the appellant. The bailiff report is on record.

3. Despite service of notice, since year 2016, no one else turned up on behalf of appellant for progress into the matter. The appeal is pending since year 2009 for determination of validity and propriety of impugned order of compensation passed by the learned Tribunal in Motor Accident Claim Petition No. 166 of 2006.

4. Mr. Narwade, learned counsel appeared for respondents-original claimants submits that the learned Tribunal has imposed liability for payment of compensation to the claimant. The appellant deposited half of the amount of compensation in this case. The petition pertains to the compensation under Motor Vehicles Act on account of death of deceased Kishor. The balance amount of compensation is yet to be recovered. He seeks to dismiss the appeal.

5. In such circumstances, considering the lackadaisical attitude on the part of appellant, there is no propriety to keep the matter alive for appearance of the appellant for further progress. Hence, appeal stands dismissed for want of prosecution. No order as to the costs.

6. In view of dismissal of the appeal, respective civil applications filed in this proceedings do not survive and stand disposed of accordingly.

[K. K. SONAWANE]
JUDGE

rrd.