

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

**FIRST APPEAL NO.808 OF 1997
with
CIVIL APPLICATION STAMP NO.18481 OF 2014**

Rawji Maruti Lagade & Ors. ... Appellants

Vs.

Vithal Dharma Tupare & anr. ... Respondents

None present

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 16, 2018**

P.C. :

1. This First Appeal was filed against the judgment and order dated 7.2.1994 thereby dismissing the suit No.7003 of 1975. The plaintiffs had filed the Suit for perpetual injunction against the defendants that they should not disturb or interfere with the ownership and management of the suit property i.e., chawl at Bombay. On perusal of the record, it appears that though the notices before admission were issued by the Court, the appellants have not taken steps for years together to serve the respondents. By order dated 6.8.2003, the Court had observed that the appeal cannot survive being barred by limitation. Thereafter, the appeal

was restored by order dated 18.10.2007 passed in Civil Application No.867 of 2007 in First Appeal. Thereafter, this matter had never appeared and, therefore, it is taken on board for admission being an old matter. However, none appears for the appellants or respondents. Hence, it is kept back to be called out at 1.30 pm, to given an opportunity to the appellants to appear before the Court.

2. Kept back, to be called out at 1.30 pm.

AT 1.30 PM:

3. Nobody appears for the appellants. Hence, the First Appeal is dismissed in default.

4. In view of the dismissal of the First Appeal, Civil Application also stands dismissed.

(MRIDULA BHATKAR, J.)