

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

**APPEAL FROM ORDER NO. 880 OF 2016
WITH
CIVIL APPLICATION NO. 1090 OF 2016**

Adishulla Rakbulla Chowdhary & Ors. ... Appellants
V/s.
Shripat Janu Mhatre & Ors. ... Respondents

- Mr.Sushil Inamdar i/b. Mr.Mahesh Subramaniam for Appellants.
- Ms.Aarti Kulkarni i/b. Mr.Sachin V. Masurkar for Respondents.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.
DATE : 3rd OCTOBER, 2018.**

P.C. :

1] Advocate on record for the Appellants was absent on the last date and today also. Advocate Mr.Sushil Inamdar, who is appearing on his behalf, is seeking adjournment. However, considering that Advocate on record is not appeared and the adjournment is sought, it is clear that the Appellants are not interested in prosecuting with the matter. The reason appears to be that their application for interim injunction restraining the Respondents from creating third party interest in the suit property came to be rejected by the trial Court in the year 2014 itself on 28th March, 2014. Thereafter, in this Appeal also, no interim relief is granted. Hence, taking into consideration that the suit is of the year 2012 and the Appeal is preferred in the year 2016 and also the Appellant is not interested in prosecuting the Appeal, the Appeal needs to be dismissed.

2] Accordingly, the Appeal along with Civil Application therein, stands dismissed for default.

[DR.SHALINI PHANSALKAR-JOSHI, J.]