

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

WRIT PETITION NO.8092 OF 2016

New Bharat Automobiles & ors Petitioners

VS

1.Dawoodbhoy Ebrahim Nalwala & ors .. Respondents

None for Petitioners

Mr.V.Y.Sanglikar for Respondents

Coram : G.S.KULKARNI, J.

Date : 4 JANUARY 2018

P.C

None for the Petitioner. Heard Mr.Sanglikar learned counsel for the respondents. In the order dated 19.12.2016 passed by this Court it was recorded that possession warrant issued against the petitioner would not be acted upon on the condition of the petitioner depositing 50% of the amount as directed in the impugned order dated 4.1.2017 and if the amount as directed is deposited by 4.1.2017, the respondents will not take any coercive steps based on the interim order. However, it appears that the petitioner failed to deposit any amount as directed by the Court. On the listing of this

petition on 30.3.2017 and 31.3.2017 the petitioner was not represented. Mr.Sanglikar learned counsel for the respondents states that the decree is already executed and possession has been taken over on 8.3.2017.

2. Today, when the petition is called out for hearing, none appears for the petitioner. The sustained absence of the petitioner to prosecute the petition appears to be a consequence of the decree being already executed. Thus, the petition would not warrant any further adjudication.

3. In the above circumstances, there is no alternative but to dismiss the petition. Writ petition stands dismissed. No costs.

{G.S.KULKARNI, J}