

Amk

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

**APPEAL FROM ORDER NO. 1234 OF 2015
WITH
CIVIL APPLICATION NO. 1560 OF 2015
IN
APPEAL FROM ORDER NO. 1234 OF 2015**

Mr. Premkumar Tikamdas Pahuja	.. Appellant
Vs.	
Mr. Raju Tikamdas Pahuja	.. Respondent

None for the Appellant.

CORAM : K. K. SONAWANE, J.
DATE : 23rd JULY, 2018.

P. C. :

1. When the matter is called out, no one else appeared on behalf of appellant-original defendant. The impugned order pertains to the relief restraining the defendant from using the inner door of Room No. 1/6 of Shanti Niketan Building, Matunga, Mumbai which has been referred as suit premises in the proceeding. Learned Trial Court after appreciating the circumstances on record directed the appellant-defendant to allow the respondent-plaintiff to use the inner side door located on the front side of the room for a period of one month and to open the ventilator. It was also directed that the respondent-plaintiff herein shall widen the width of back side portion of the door. Being dissatisfied with the impugned order, the appellant-original defendant agitated the validity of the impugned order in the present appeal.

2. Taking into consideration the nature and gravity of the impugned order passed long back in the year 2015 as well as appellant did not take any care to secure presence of the respondent in the present proceeding, there is no propriety to keep the appeal alive for further process. The possibility that appellant might have lost interest in the proceeding cannot be ruled out. Hence, the appeal stands dismissed for want of prosecution. No order as to costs.

3. In view of the dismissal of the appeal, the civil application does not survive and stands disposed of.

Arjun
Machhindra
Kadam

Digitally signed
by Arjun
Machhindra
Kadam
Date:
2018.07.25
17:55:43 +0530

[K. K. SONAWANE, J.]