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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.387 OF 2013

Smt.Vandana Chandrakant Sathe
and another ...Appellants
vs.
Prabhakar Vishnu Sathe ...Respondent

None for the appellants
Ms Chhaya Pandey i/b Mr.D.A.Sakhalkar for the
respondent

CORAM : A.S.OKA, &
M.S.SONAK,JJ.
DATE : OCTOBER 29, 2018

P.C.:

1 Perused the order dated 1st October 2018. By the said order, the learned Amicus Curiae was discharged. A specific order was passed on that day that this Appeal shall be listed today under the caption of 'Fresh Admission'. The notice of the date fixed was directed to be served to the appellant and the third respondent. Service report dated 26th October 2018 signed on behalf of the Section Officer, Appeal Cell records that the letter dated 19th October 2018 was issued to the appellant and the third respondent. Office copy of the said letter dated 19th October 2018 is placed on record. The report signed by the said Officer shows that the letters dated 19th October 2018 have been served to the appellant and the third respondent. The letters were sent by speed post. The print out of the

tracking report annexed to the service report will show that the letters were delivered on 22nd October 2018 at 17.20. In the morning session, neither the appellant nor the third respondent was present. Therefore, the appeal was kept back till afternoon. The learned counsel for the first respondent is present. Perusal of the letter dated 19th October 2018 shows that both the appellant and the third respondent were required to remain present today at 11.00 a.m.

2 Notwithstanding the service of the said letter, both of them are not present. Even in the afternoon session, both of them are not present when the appeal is called out. Accordingly, as the appellant is absent, we dismiss the appeal for non prosecution. Pending Notice of Motion does not survive and the same is disposed of.

(M.S.SONAK,J.)

(A.S.OKA,J.)