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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO.384 OF 2008

Ravindra B. Nair and Ors. ...Appellants
vs.
M/s.Sindhwani Automobiles, Mumbai ...Respondent

None for the appellants
None for the respondent

CORAM : A.S.OKA, &
 M.S.SONAK,JJ.
DATE : AUGUST 28, 2018

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Shridhar
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Date: 2018.09.10
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P.C.:

1 None appears for the appellants. On 18th March 2016 when the appeal was listed before the Division Bench of this Court, none appeared for the appellant. The Division Bench directed the Registry to reconstruct the files of the appeal. It appears from the farad sheet that accordingly, on 20th September 2016, the appeal was placed for direction before the Master and Assistant Prothonotary (Judicial) when none appeared for the appellant. We find that thereafter, the appeal was listed on 30th September 2016, 24th October 2016 and 21st December 2016 before the Master and Assistant Prothonotary (Judicial) for reconstruction of the files. However, none appeared for the parties. Even on 22nd February 2017, when the appeal was listed before the Master and Assistant Prothonotary (Judicial), none appeared for the appellant and the respondent. On 6th February

2018, when the appeal was called out before the Division Bench, the Registry was directed to contact the Advocate for the appellant. Accordingly, Registry addressed a letter dated 14th February 2018 to the Advocate for the appellant. The report dated 26th February 2018 signed by the Section Officer records that the letter has been served to the Advocate for the appellant. Even thereafter, the appellant has not co-operated. We must note here that even before 6th February 2018, the appeal was listed on the board on 26th September 2017, 9th October 2017, 20th November 2017 and 9th January 2018. On all the dates, none appeared for the appellant.

2 Thus, it is apparent that the appellant is not interested in prosecuting the appeal. Accordingly, we dismiss the appeal for non prosecution.

(M.S.SONAK,J.)

(A.S.OKA,J.)