

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.O. NO.635/2018

IN

M.C.A. STAMP NO.20530/2017

IN

C.A.F. NO.146/2016

IN

FIRST APPEAL STAMP NO.21797/2015 (R.C. 275/2017)

Superintendent Engineer, Tapi Khore Vikas Patbandhare Mahamandal Jalgaon
and another

..Vs..

Vasant Lotu Patil and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 3.9.2018.

By order dated 9th March, 2016 this Court directed issuance of notice on Civil Application (CAF) No.146/2016 and also passed order on Civil Application (CAF) No.147/2016 and stayed the execution proceedings on deposit of the amount as per the impugned award, with the Registry of this Court within 12 weeks. The matter was listed before the Registrar (J.) on 7th June, 2016. None appeared for the applicants / appellants before Registrar (J.) on that date. The learned Registrar (J.) recorded that sufficient time was granted to the applicants / appellants but copies of civil applications for service on the non-applicants were not supplied. Consequently, notice could not be issued to the non-applicants / respondents. By order dated 7th June, 2016 learned Registrar (J.) dismissed the

proceedings against the respondent No.1 for want of prosecution. The respondent No.1 is the claimant. Now the proceedings continue against respondent No.2 - Special Land Acquisition Officer. The matter was adjourned on 2nd December, 2016, 16th December, 2016 and 9th January, 2017 on request made on behalf of the Advocate for the applicants / appellants. None appeared for the applicants on 24th January, 2017. On 14th February, 2017 this Court passed an order directing that if the applicants / appellants fail to take steps within three weeks, the Civil Application (CAF) No.146/2016 shall stand dismissed. As the applicants / appellants failed to take steps within three weeks, the Civil Application No.146/2016 is dismissed and accordingly, note was taken on 14th February, 2017.

The applicants / appellants filed M.C.A. Stamp No.20530/2017 on 16th September, 2017 praying that the order passed by this Court on 7th March, 2017 be recalled and the first appeal alongwith civil applications be restored.

As there was delay in filing the miscellaneous civil application, Civil Application No.635/2018 is filed.

The office note shows that none appeared for the applicant on 27th June 2018, 11th July 2018, 25th July 2018 and 8th August 2018. Today also none appears for the applicants / appellants.

It is clear that the applicants / appellants are not interested in prosecuting the appeal. The applications are **dismissed**. Consequently, the order directing

dismissal of appeal for want of prosecution is maintained.

Considering the callousness on the part of the applicants / appellants in attending the matter, the applicants / appellants are directed to deposit an amount of Rs.50,000/- (Rs. Fifty Thousand) with the High Court Legal Services Sub-Committee, Nagpur and produce receipt of it on record within two months.

JUDGE

Tambaskar.