

HON'BLE SRI JUSTICE N.BALAYOGI

C.M.A.No.1444 of 2008

JUDGMENT:

This appeal is filed on 11.11.2008 along with C.M.A.M.P. No.2699 of 2008 to condone the delay of 185 days in filing the appeal and the same was condoned. This Court granted interim stay on 04.12.2008 vide C.M.A.M.P. No.2722 of 2008. The appeal was admitted on 19.12.2008 and numbered as CMA No.1444 of 2008. Thereafter, notices were ordered to respondents 2 and 3 *vide* order dated 16.3.2016 and accordingly, the order was given effect to. On 23.02.2018, it was reported that R.Briz Mohan Singh, learned counsel appearing for the appellant is no more. Accordingly, notice was ordered to the appellant and the matter was adjourned to 19.03.2018. In pursuance of the same, the appellant received the notice *vide* postal acknowledgment dated 5.3.2018. On 27.3.2018, when the matter was called, neither the appellant nor his counsel appeared, therefore, the matter was directed to be listed under the caption 'for dismissal'. Instead of listing the matter under the caption 'for dismissal', none appears and no representation is made on behalf of the appellant, which clearly shows that the appellant is not interested in pursuing the case. Hence, I have no hesitation to dismiss the appeal for non-prosecution.

Accordingly, the Civil Miscellaneous Appeal is dismissed for non-prosecution with costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE N.BALAYOGI

3rd April, 2018
rkk

