

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.228 OF 2016

Usha Sudhakar Pahadi and others ... Applicants
Vs.
Nasim Chand Sayyad ... Respondent

None for Applicants.
Mr. Rajesh B. Parab for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 14, 2019

P.C. :

None appears for the applicants. Heard Mr. Parab, learned Counsel for the respondent.

2. Mr. Parab submitted that Petition was placed for 'admission' on 18.01.2017. None appeared for the applicants. It was, therefore, adjourned to 25.01.2017 under the caption for 'dismissal'. On 25.01.2017, though the matter was kept for dismissal, adjournment was sought. Matter was adjourned to 01.02.2017 subject to the applicants' paying costs of Rs.10,000/- to the respondent before the next date. The matter was ordered to be listed under the caption for 'dismissal' on 01.02.2017. Matter was thereafter heard on 01.02.2017. The cost was not paid. Again application for adjournment was made. This Court, therefore, adjourned the matter to next CMIS date i.e. 24.04.2017 and vacated the ad-interim order granted earlier. Mr. Parab states that after the interim order was vacated on 01.02.2017, respondent-landlord took possession of the suit premises on 10.03.2017. The matter was thereafter listed for 'admission' on 28.11.2018. None appeared on that day on behalf of the applicants, and therefore, matter was adjourned till today i.e. 14.01.2019 under the caption for 'dismissal'.

3. It is evident that after the interim order was vacated on 01.02.2017, the respondent-landlord has taken possession of the suit premises on 10.03.2017. On 28.11.2018, the matter was adjourned till today under the caption for 'dismissal'. It appears that applicants are not interested in pursuing the proceedings as the respondent has already taken possession. In view thereof, C.R.A. is dismissed in default.

(R. G. KETKAR, J.)

Minal Parab