

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.2025 OF 2010
IN
FIRST APPEAL (ST) NO. 14125 OF 2004

ICICI Bank Limited

.. Applicant

Versus

M/s. Shri Om Traders and Ors.

.. Respondents

...

None for the Applicant.

CORAM: BHARATI DANGRE, J.

DATED : 30th AUGUST, 2019.

P.C:-

1. None for the applicant.
2. Civil Application No. 2025/2010 seek setting aside of the order dated 2nd May, 2008 passed by the learned Single Judge and it is prayed that the applicant may be permitted to complete the service of the appeal and proceed further by restoring the Civil Application on record. It is to be noted that by a common order dated 2nd May, 2008 passed by the learned Single Judge, the applicants whose Civil Applications were listed were granted time to take steps to serve the non-served respondent within period of

8 weeks by private service of notice. On failure to comply with the said order, it was directed that the matter would stand dismissed automatically without reference to the Court.

3. Admittedly, applicant did not take steps to serve the respondent and in which application was preferred on 22nd July, 2009 praying for setting aside the said application. It proceeds to state that inadvertently and on bonafide mistake of the Clerk of the Advocate, they were under impression that all the respondents have been served and on this ground the order passed by this Court on 2nd May, 2008 is prayed to be set aside.

4. On perusal of the Civil Application and reasons cited therein, it can be noted that the applicant is not diligent in prosecuting the First Appeal and even today none appears for the applicant. In such circumstances, this Court is left no option to dismiss the Civil Application No. 2025/2010. Accordingly, it is dismissed.

SMT. BHARATI DANGRE, J