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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2830 OF 2006

The Official Liquidator, High Court, Bombay, through New Heaven Steel Ball	...Plaintiff
<i>Versus</i>	
Laxman Ukardaji Shegaonkar & Ors	...Defendants

None for the Plaintiff in the morning.
Mr Devang Parmar, for the Official Liquidator, at 3.00 pm.
Mr Akshay Sawant, i/b Chitnis Vaithy & Co., for Defendants Nos. 3
and 4.

CORAM: G.S. PATEL, J
DATED: 7th March 2019

PC:-

1. On 9th June 2016 KR Shriram J gave the Plaintiff a final opportunity to comply with the directions previously issued. Time was extended to 21st July 2016 and KR Shriram J made it clear that in default suit would stand dismissed for want of prosecution. There is nothing that I need to do.

2. The suit stands dismissed. That is the effect of the order of KR Shriram J. There will be no order as to costs.

3.00 p.m.

3. The matter was dismissed this morning. At the request of Mr Parmar, the learned Advocate for the Official Liquidator of the Plaintiff, I have restored it at 3.00 pm.

4. I am shown an order of 8th October 2015 of KR Shriram J which confirms service of writ of summons and that no writ statement has been filed by the Defendants. On that date, the Court gave the Official Liquidator over two months and stood the matter over to 1st December 2014 to file an Affidavit in lieu of Evidence and keep the first witness present in Court. That has still not been done. In 2016 (as I noted this morning), time was further extended.

5. Today, in March 2019, I am told that the matter should be further adjourned by four weeks or at least two weeks since the Official Liquidator is 'in the process of getting certified copies' of some documents. This is no excuse.

6. The Suit already stood dismissed for non-prosecution by the order of 9th June 2016, and there is no application by way of a Notice of Motion to restore the suit.

7. It is bad enough that individual litigants do not take orders of this Court seriously and believe that deadlines can be missed without fear of consequences. It is infinitely worse that an officer of this Court such as the Official Liquidator and his staff adopts the same utterly casual approach. I will not grant this indulgence.

8. The present order does not itself dismiss the suit. That dismissal has already happened by virtue of the order of 9th June 2016. The registry will show the suit as disposed of.

(G. S. PATEL, J)