

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO. 426 OF 1995

Bapu Subhedar Phadtare and Ors. ..Appellants
Vs.
Shakuntala Ramchandra Surve and Ors. ..Respondents

.....

None present.

**CORAM : C.V. BHADANG, J.
DATE : 09th MARCH, 2020**

PC.

. None for the appellants.

2. The record discloses that there was no appearance on behalf of appellants on 3/5/2017 and thereafter on 9/1/2020. On 17/1/2020, the appeal was adjourned at the request of learned counsel for the appellants by way of last chance. On 20/1/2020, this Court has granted liberty to mention the matter if the learned counsel receives written instructions in respect of Consent Terms drawn between the parties. On 27/1/2020, the appeal was adjourned to 10/2/2020 as the parties awaited written instructions in respect of settlement. On 10/2/2020, the learned counsel for the appellants had informed that notice sent to appellant No.1 was returned with the remark that appellant No.1 Bapu Subhedar Phadtare had expired and the learned counsel sought time to take instructions which was granted by way of last chance.

3. Today again, there is no appearance, neither steps are taken to bring on record LRs in respect of appellant No.1 who is reported to be dead. The parties have also not produced the Consent Terms for which more than once time was sought for and was granted.

4. The appellants are not keen in prosecuting the appeal. In the result, the appeal is dismissed for want of prosecution with no order as to costs.

C.V. BHADANG, J.