

Jose

IN THE HIGH COURT OF BOMBAY AT GOA
SECOND APPEAL NO.42 OF 2010

MR. JACOB PEDRO LUIS ... Appellant.

Versus

MRS. MARIA LUISA
FERNANDES(DEC).
THROUGH LR'S ... Respondents.

None for the Appellant.

Mr. P. A. Kholkar, Advocate *for Respondents No.1(a) and 1(b).*

Coram: M.S. SONAK, J.

Date: 16th September 2021.

P.C.:

1. None for the Appellant. Mr. Kholkar appears for Respondents No.1(a) and 1(b).

2. On 15.04.2021, this Court made the following order:-

“On 19.03.2021, this Court noted that none appeared for the respondents, though, the respondents no.1(A) and 1(B) were represented by Mr. N. Shirgaonkar, holding for Mr. P.A. Kholkar.

2. The matter was adjourned in order to afford yet another opportunity to the appellant. However, even today, neither the appellant nor his advocate appear.

3. The matter is now posted on 30.04.2021 under the caption “for dismissal/disposal”. If on the adjourned date the same

position continues, it will be difficult to adjourn the matter any further, since this Second Appeal relates to the year 2010.

4. Stand over to 30.04.2021.”

3. Despite the aforesaid, when the matter was called out on 03.09.2021, again, none appeared for the Appellant and therefore, this Court made the following order:-

“1. None for the Appellant.

2. Stand over to 16th September 2021 under caption “For Dismissal”.”

4. Today, when the matter is called out, there is no appearance on behalf of the Appellant, though Mr. Kholkar appears for Respondents No.1(a) and 1(b). With the assistance of Mr. Kholkar, I have perused the order sheet. The order sheet does indicate that after the matter was admitted, there has hardly been any appearance on behalf of the Appellant. Therefore, it is reasonable to proceed on the basis that the Appellant is not interested in pursuing this Second Appeal.

5. Accordingly, this Second Appeal is now dismissed for non prosecution.

M.S. SONAK, J.