

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.4 OF 2021
WITH
INTERIM APPLICATION NO.764 OF 2020**

Zirkon International and Anr. ... Appellants/Applicant
V/s.
Kandivali Raksha Co-operative Housing
Society Limited and Ors. ... Respondents

Mr. Sunil Kumar Mishra, Advocate for the Appellants.
Ms. Bhakti Jain i/b. Mr. Raval Shah & Co. for the Respondents.

CORAM : A.S. GADKARI, J.
DATE : 17th November, 2021.

PC. :

1. At the outset, Advocate Mr. Mishra tried to tender across the bar Written Submissions and submitted that, he has instructions from the Advocate on record to tender the said Written Submissions in the matter and called upon to this Court to pass final Order in the Appeal.
2. This Court therefore requested Advocate Mr. Mishra to tell the basic facts involved in the matter and also to argue it on merits, to which he refused and further submitted that, he has no instructions to argue the matter. The conduct of Advocate Mr. Mishra is not appreciable by this Court.
3. Record indicates that, since 8th March, 2021, the Advocate for the

Appellants has continuously sought adjournments in the matter. It appears that, the Appellants are not serious enough and interested in pursuing the present Appeal.

4. At this stage, Mr. Mishra sought adjournment in the matter whereupon this Court directed to him to pay cost for seeking adjournment, to which he flatly refused and asked this Court to pass appropriate Orders in the matter. After taking into consideration the conduct of the Advocate for the Appellants, this Court left with no other alternative than to dismiss the Appeal for non-prosecution.

5. Appeal along with Interim Application are accordingly dismissed for non-prosecution.

[A.S. GADKARI, J.]