

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMMERCIAL APPEAL NO.23 OF 2016
IN
SUMMONS FOR JUDGMENT NO.7 OF 2016
IN
SUMMARY SUIT NO.891 OF 2015**

Orbit Corporation Limited	...	Appellant
Versus		
Anil Kapoor	...	Respondent
		
None for the Appellant.		
		

**CORAM : NITIN JAMDAR AND
G.A. SANAP, JJ.**

DATE : 9 SEPTEMBER 2021

P. C. :

. This appeal of the year 2016 challenges the order passed by the learned Single Judge dated 13 June 2016 in Summons for Judgment No.7 of 2016 in Summary Suit No.891 of 2015. By the impugned order, the Appellant was ordered to deposit the amount as directed within four weeks and if the Defendant failed to deposit the amount, the suit was directed to be listed for 'Directions' on 19 July 2016. The Summons for Judgment was accordingly disposed of.

2 This appeal was moved for the ad-interim relief on 18 July 2016.

The Division Bench noting the nature of the findings in the impugned order and that not a single paisa has been paid, rejected the prayer for ad-interim relief. Thereafter the Appeal had been adjourned. On 27 February 2017, the Appeal was admitted, however, no stay was granted to the execution of the decree. The court was informed that settlement talks going on and liberty was granted to file the consent terms. When the Appeal came on board on 27 January 2021, none appeared for the parties and it was adjourned. Today also none appears for the parties. In view of the fact that there is no stay to the directions, it appears that either the Appellant has lost interest in the Appeal or the dispute stands settled.

3 The Appeal is disposed of for non-prosecution. In case the Appellant seeks restoration, the Appellant will demonstrate as to how the Appeal survives.

(G.A. SANAP, J.)

(NITIN JAMDAR, J.)