

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.586 of 2018

Ashok Narayan Hedau
 vs.
 Ashok Shahakar & another

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

Mrs. S.K. Paunikar, Advocate for the Appellant.
 Shri S.P. Kshirsagar, Advocate for the Respondents.

CORAM : S.M. MODAK, J.
DATE : 7st JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

I have read the pursis bearing Stamp No.2/2021, dated 03/07/2021. On account of ailment, the appellant does not want to proceed with the matter. The respondents through their learned Advocate are not objecting for the same.

The suit of the plaintiff for removal of unauthorized construction came to be dismissed and there was a delay in filing an appeal. The plaintiff could not satisfy the first appellant Court and his application came to be rejected. This Court has admitted the appeal by framing substantial questions of law. Even on a query made with the learned Advocate for the appellant as to whether the appellant is not tired of the court procedure, the Court could have taken up this matter on priority basis. However, it seems that the

appellant due to sickness does not want to prosecute the appeal.

Hence, the appeal is disposed of as not pressed. The parties to bear their own costs.

JUDGE

**sandesh*