

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.187 OF 2019
WITH
MISC. CIVIL APPLICATION NO.604 OF 2018
WITH
MISC. CIVIL APPLICATION NO.784 OF 2013
IN/AND
SECOND APPEAL NO. 32 OF 2007**

RAPHAEL FONSECA, THR. HISAPPELLANTS/
POA, SELVARAJAN SUBB REDDY., APPLICANTS .

Versus.

SANTAN CIPRIANO FONSECA
AND 9 ORS.,RESPONDENTS.

Mr. Sarvesh Sawant, Advocate for the Appellants-Applicants.
Mr. Russell R. Pinto, Advocate for Respondent No. 2(b).

CORAM : M. S. SONAK, J.

DATE : 20th October 2022

P.C.:-

1. On 14th October, 2022, this Court made the following order :

“1. Ms. Kenny, learned Counsel for the applicant states that she has returned the files to the applicant/appellant. She states that the applicant/appellant was also informed that the matter would come for consideration before this Court today. She states that by next week she will file

necessary documents and seek discharge from further appearing in this matter. She states that she will once again inform the applicant of the next date so that he can make alternate arrangements or himself remain present if he chooses to.

2. Mr.R J. Pinto appears for respondent nos.2(b) and 2c).

3. Stand over to 20.10.2022.”

2. Today, when the matter is called out Mr. Sarvesh Sawant appears and files an application which is signed by the Advocate for the Appellant Mr. Prasheen Lotlikar. The application is accompanied by an affidavit and a certificate dated 10th October, 2022. The application and the affidavit state that case papers have been returned to the Appellant and even no objection certificate has been issued to enable the Appellant to engage some other Advocate.

3. Mr. Sawant states that the Appellant was physically informed about the last date of hearing, as well as this date.

4. Accordingly, the Court Superintendent called out for the Appellant and his attorney. However, neither the Appellant nor his attorney, are present.

5. Therefore, I have no hesitation in drawing the inference that the Appellant is no longer interested in pursuing this appeal,

instituted in the year 2007. The matter has been adjourned from time to time for takings steps to serve the unserved Respondents.

6. Considering the aforesaid, this Second Appeal is dismissed for non-prosecution. Misc. Civil Applications do not survive dismissal of the Appeal and accordingly, even the Misc. Civil Applications are dismissed.

7. Interim orders, if any, are hereby vacated.

M. S. SONAK, J.

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