

Jose

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.98 OF 2015

R. B. SHIPPING, THROUGH ITS
PROPRIETOR RAJENDRA BHAKLE

... Appellant

Versus

THE NATIONAL INSURANCE
COMPANIES PVT. LTD., THROUGH
ITS SUB-DIVISIONAL OFFICER

... Respondents

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATED: 20th December, 2022

P.C.:

1. On 14 October 2019, the matter was adjourned at the request of the Appellants to 21 November 2019. The matter was taken up on 31 August 2021 and at the request of the learned Counsel for the Appellants, the same was adjourned by four weeks by way of last chance. Again on 27 January 2022, the matter was adjourned at the request of the learned Counsel for the Appellants in the week commencing from 31 January 2022. In the order, it was made clear that no further adjournments will be granted because the appeal pertains to the year 2015. It was also clarified that the excuse about some settlement talks going on will also not be accepted henceforth.

2. On 31 January 2022, Ms P. Kaur appeared for the Appellants and stated that she wants to withdraw her appearance. She also stated that the Appellant will remain present in person on 1 February 2022.

3. Accordingly, the matter was posted on 1 February 2022 on which date Mr Rajendra Bhakle, proprietor of the Appellant was present in the Court.

4. On 1 February 2022, we made the following order:-

“1. Mr. V. Lawande, learned Counsel appearing for the appellant seeks to withdraw his appearance. Mr. Rajendra Bhakle, Proprietor of the appellant is present in the Court and states that he has no objection. However, Mr. Bhakle submits that presently he is unwell and therefore two months time may be granted to him to engage another Advocate to appear on his behalf.

2. Mr. Timble, learned Counsel appearing for the respondent has no objection to time being granted to the appellant.

3. Accordingly, Mr. V. A. Lawande, learned Counsel is permitted to withdraw his appearance. He is discharged from appearing in this matter henceforth. Similarly, at the request of Mr. Rajendra Bhakle this appeal is adjourned by two months i.e. to the week commencing from 04th April, 2022. However, we make it clear that we will not be in a position to grant any further adjournments in this matter because this appeal pertains to the year 2015. Further, no fresh notice will be served upon Mr. Rajendra Bhakle. If in the commencing from 04th April, 2022, Mr. Rajendra Bhakle does not appear either himself or through his Advocate, this Court will be constrained to consider whether this appeal is required to be dismissed for non-prosecution.

4. Stand over to 04/04/2022.”

5. Despite the above order, when the matter came up for consideration on 22 August 2022, there was no appearance on behalf of

the Appellant. Still, the matter was stood over by six weeks by way of last chance.

6. Today, when the matter was called out, again, neither the Appellant nor his Advocates appear in this matter. Based on all this, we think that the Appellant is not serious about pursuing this appeal. Accordingly, we dismiss this appeal for non-prosecution.

7. Miscellaneous applications, if any, also stand disposed of.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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