

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

**SECOND APPEAL NO.71 OF 2019
AND
CIVIL APPLICATION NO.169 OF 2019**

KIM MIRANDA AND ANR. ... APPELLANTS

Versus

JESSY MIRANDA AND 12 ORS. RESPONDENTS

Mr. Jawahar L. Dias, Advocate for the Appellants – absent.

CORAM: M. S. SONAK, J.

DATE : 10th NOVEMBER 2022

P.C. :

1. On 16.09.2022, the Court made the following order:

“None for the Appellants.

*CORAM: PRASANNA B. VARALE, J.
DATED : 16th September 2022*

P.C.:

1. Perusal of the record shows that the matter was listed before this Court on earlier occasions and the same was adjourned. Subsequently, the learned Counsel for the Appellants prayed for amendment to the Appeal.

2. Vide order dated 9th September, 2019, time was granted to the learned Counsel for the Appellants to

incorporate the substantial questions of law in the Memo of Appeal.

3. On 7th November, 2019, an addendum to the memo of appeal was placed on record and the matter was adjourned to 28th November, 2019. The matter could not be listed before the scheduled date. It was listed before this Court on 1st February, 2021. On that date, none appeared for the Appellants and the Appeal was adjourned to 15th February, 2021.

4. Today, none appears for the Appellants. It seems that the Appellants are not interested in prosecuting the Appeal.

5. Be that as it may, let the Appeal be listed after three weeks.”

2. On 13.10.2022, again, there was no appearance on behalf of the appellants, and, therefore, the Court made the following order:

“Mr. J. Dias, Advocate for the Appellants – absent.

CORAM: M. S. SONAK, J.

DATE : 13th OCTOBER 2022

P.C. :

1. None for the appellants. Stand over to 10.11.2022.

2. If the same position continues, this Court will have to consider dismissing this appeal for non-prosecution.”

3. Today, when the matter is called out, neither the appellants nor their advocates appear. This means that for the last several dates, there is no appearance on behalf of the appellants. Apparently, the appellants do not seem to be interested in pursuing this appeal despite repeated indulgences.

4. Accordingly, this appeal is dismissed for non-prosecution. Civil Application does not survive the dismissal of the appeal and the same is also hereby dismissed.

M. S. SONAK, J.