

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 821 OF 2017
IN
NOTICE OF MOTION NO. 458 OF 2009
IN
S.C. SUIT NO. 1015 OF 2009
WITH
CIVIL APPLICATION NO. 1086 OF 2017**

BROOKLYN HILLS CO-OP

HOUSING SOCIETY LTD.

} APPELLANT

V/S.

BEVERLY HILLS AND ROYAL

EMPIRE CO-OP. HOUSING

SOCIETY LTD. AND ORS.

} RESPONDENTS

*** * * ***

Mr. Bharat Joshi, Advocate for the appellant.

Mr. R.R. Sharma, Advocate for respondent no.1.

Mr. Satyadev D. Joshi, Advocate for respondent no.2.

Coram : Sandeep K. Shinde, J.

Monday, 21st February, 2022.

P.C. :

**1) On 12th December, 2019, the trial Court has
passed the following order :**

“1. None for plaintiff present. Advocate R.R. Sharma for defendant No.1 present. Advocate Siddhiqui for defendant No.2 present. Nobody for plaintiff for present today. On 9/9/2019, plaintiff was directed to pay cost of Rs.5,000/- to defendants in equal proportion. On 7/10/19 and 28/11/19, time was granted to plaintiff to pay cost and proceed with the evidence. Till the date, cost is not paid nor anybody for plaintiff is present today. It appears that plaintiff has lost interest in the suit and it is only interested in prolonging the matter. Therefore, suit deserve to be dismissed for non-prosecution of the order passed by this Court and for want of prosecution.

ORDER

Suit stand dismissed in default.”

2) In that view of the matter, the Appeal is dismissed.

3) With dismissal of the Appeal from Order, Civil Application No. 1086 of 2017 becomes infructuous and does not survive. The same is accordingly disposed of.

NEETA
SHAILESH
SAWANT

(Sandeep K. Shinde, J.)

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