

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

48 CIVIL APPLICATION NO.3710 OF 2012
IN SAST/3422/2012
WITH
CA/3716/2012 IN SAST/3422/2012
WITH
SAST 3422 OF 2012

SHAIKH MUSHTAQUE ABDUL KADAR SAKKA
VERSUS
BAKAR KASAB MASJID TRUST THRU HAJI MUKHTAR AHMED
FAKIR MOHAMMED AND ORS

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Advocate for Applicant : Mr. S.P. Salgar h/f N.V. Gaware
Advocate for Respondents 3-7: Mr. Muthiyan Namit Sunil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 17, 2023

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PER COURT :-

1. The learned counsel appearing for the applicant submit that he has no instructions in the matter although he attempted to contact his client, he could not trace him. The R.P.A.D. notice issued by him to his client returned back with endorsement "left address".

2. Learned counsel appearing for the respondents submit that the decree which is under appeal is already executed and possession is handed over. As such, the dispute in this second appeal no more survives for consideration.

3. It appears that, learned advocate appearing for the applicant is handicapped for want of the instructions and the

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applicant is not keeping in touch with him. Even, the applicant is not available on the address.

4. In that view of the matter, apparently, the applicant do not have interest to prosecute the present application and the appeal. Hence, the application alongwith second appeal is dismissed for want of prosecution. Pending civil application, if any, also stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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