

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6798 OF 2018

Ibrahim Abbas Shaikh & Ors.

...Petitioners

Versus

Vitthal Shripati Gaikwad & Ors.

...Respondents

...

None present.

CORAM: SANDEEP V. MARNE, J.

DATE : 18 AUGUST 2023.

P. C.:

This petition challenges order dated 20 November 2017 passed by the Trial Court appointing Court Commissioner for inspection of the suit property. The impugned order was passed on 20 November 2017 and by now period of 06 long years has lapsed. There is no interim order passed in the present petition. It appears that though the present petition is filed on 08 December 2017 the same was not moved for 05 long years. The petition appeared Board on 28 June 23 when adjournment was sought on behalf of Petitioner. This Court called for report from Registry about status of R.C.S. No.386 of 2015. Accordingly the report is received. It is revealed that R.C.S. No.386 of 2015 is still pending at the stage of defendant's evidence.

The petition was thereafter listed on 17 August 23 when a request has been made on behalf of learned counsel for Petitioner for adjournment by one day. Accordingly present petition is listed today. However none appeared on behalf of the Petitioner in the morning session. The petition was therefore kept back. Even in the afternoon session, none appears for the Petitioner. It appears that Petitioner is not interested in prosecuting petition. Writ Petition is accordingly dismissed for default.

SANDEEP V. MARNE, J.

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