

**SONALI MILIND PATIL** Digitally signed by **SONALI MILIND PATIL**  
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SECOND APPEAL NO. 253 OF 2008

Ms. Aparna Shinde, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.  
DATED : 19<sup>th</sup> JUNE 2023

P.C. :

1. Heard Ms. Aparna Shinde, learned counsel appearing for the Respondents.
2. None appears for the Appellant.
3. The Second Appeal is of the year 2008.
4. On 27<sup>th</sup> April 2023, this Court has passed the following order:-
  - “1. Heard Ms. Shinde, learned Counsel appearing for the Respondents. None appears for the Appellant.
  2. The Second Appeal is of the year 2008.

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3. Ms. Shinde, learned Counsel appearing for the Respondents states that the Respondents are the original Plaintiffs, who have filed the Suit in 1998 seeking specific performance. The Suit bearing Regular Civil Suit No. 25 of 1998 was decreed by the judgment and decree dated 20th April 2000 and the appeal filed challenging the same by the present Appellants also dismissed by the judgment and decree dated 21<sup>st</sup> September 2002. She further states that some of the Respondents are senior citizens.

4. Therefore, add the Second Appeal in the final hearing board commencing from **5<sup>th</sup> June 2023**. To be shown in the category of **‘Senior Citizens’.**”

5. Thereafter, on 8<sup>th</sup> June 2023, matter appeared on final hearing board at Serial No.237. As none appeared for the Appellant, it was directed to be shown in the Supplementary Board for direction on 14<sup>th</sup> June 2023. On 14<sup>th</sup> June 2023 also, none appeared for the Appellant and therefore, the matter was adjourned to 15<sup>th</sup> June 2023 for final hearing/dismissal. On 15<sup>th</sup> June 2023, this Court has passed the following:-

“1. Heard Ms. Devika Kakoo, learned counsel appearing for the Respondents.

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2. None appears for the Appellant.
  3. The Second Appeal is of the year 2008. The same is expedited.
  4. On earlier dates also, none appeared for the Appellant.
  5. Stand over to **19<sup>th</sup> June 2023**.
  6. To be shown under the caption for “direction”/“dismissal”.
  7. It is made clear that if on that date, learned counsel of the Appellant did not remain present, then the Second Appeal will be dismissed for non-prosecution.”
6. Today also none appears for the Appellant. The Second Appeal is dismissed for non-prosecution.

**[MADHAV J. JAMDAR, J.]**