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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13792 OF 2023
IN
WRIT PETITION NO. 1388 OF 2015

Suman Shivaji Rathod .. Applicant

Versus

Indian Overseas Bank .. Respondent

None for the Applicant.

Mr. Rakesh Singh i/b. M. V. Kini & Co. for the Respondent-Bank.

CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.

DATE : AUGUST 01, 2023

P. C.

1. When the above Interim Application is called out, none appears on behalf of the Applicant.

2. The learned Advocate appearing for the Bank has brought to our attention the order passed by the DRAT on 4th January, 2023. He submitted that the Applicant herein (the Appellant before the DRAT) did not appear before the DRAT and therefore the DRAT has dismissed the Appeal. He submitted that this application is wholly misconceived

because the Appellant has to either approach the DRAT seeking restoration of its appeal or file a writ petition challenging the said order. The relief sought in the present Interim Application cannot be granted and which is filed in a disposed of writ petition, was the argument.

3. Be that as it may, we find that the Applicant has not appeared in the above matter. In these circumstances, without commenting on the arguments made by the learned Advocate for the Respondent Bank, we dismiss the above Interim Application for want of prosecution.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]