

VRJ

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

WRIT PETITION NO.13363 OF 2017

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Date: 2023.12.06
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Neelakanthan Bhaskaran Pillai

... Petitioner

V/s.

Kinyath Sivdasan & Anr.

... Respondents

Mr. B. N. J. Pillai, petitioner appears in-person.

Mr. A.B. Chate, AGP and Mr. V.S. Nimbalkar, AGP for
the State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 5, 2023

P.C.:

1. The petitioner who appears in-person is challenging judgment and decree passed in First Appeal No.118 of 2002 dated 4th October 2010.

2. The record indicates that the petitioner had filed Second Appeal Stamp No.19187 of 2011. Since there was delay in filing second appeal, the petitioner filed Civil Application No.1401 of 2011. This Court, by order dated 2nd April 2012, dismissed the Civil Application No.1401 of 2011 for non-prosecution, with the result second appeal stood dismissed. Therefore, it is not open for the petitioner to file writ petition challenging the decree which was subject matter of second appeal which was dismissed for non-prosecution by this Court. The writ petition, therefore, cannot be entertained. However, if permissible in law, the petitioner can take

appropriate steps for revival of second appeal.

3. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)