

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMMERCIAL APPEAL NO.168 OF 2022
IN
INTERIM APPLICATION NO.4165 OF 2022
IN
COMMERCIAL SUIT NO.255 OF 2022
WITH
COMMERCIAL APPEAL NO.169 OF 2022
IN
INTERIM APPLICATION NO.4164 OF 2022
IN
COMMERCIAL SUIT NO.255 OF 2022**

Rajguru Developers Private : Appellant
Limited (Orgi. Defendant)
V/s.
Puranchand Lehnasingh Manchanda : Respondents
and others (Orgi. Plaintiffs)

**WITH
INTERIM APPLICATION NO.3 OF 2023
IN
COMMERCIAL APPEAL NO.169 OF 2022.**

None for the Appellant.
Mr. Prerak A. Sharma for the Respondents.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.
DATE : 04th SEPTEMBER, 2023**

P.C. :

When the matter was called today, none appeared on behalf of the Appellant.

2. Mr.Sharma, the learned counsel appearing on behalf of the Respondents, pointed that on the last occasion i.e. on 22nd July 2023 as well, none had appeared for the Appellant as also the Respondents had not been served with the copies of the compilation of the Appeals. He submitted that the Appellant was therefore clearly not desirous of prosecuting the present Appeals and thus the same may be dismissed for non-prosecution.

3. In view of the submissions made by the learned counsel for the Respondents, as also on a perusal of the record, we find that the Appellant has failed and neglected to appear in the present Appeals on more than one occasion. It is thus clear that the Appellant is not desirous of prosecuting the present Appeals.

4. In view of above, both the Appeals are dismissed for non-prosecution. In view of dismissal of the Appeals, the Interim Application, if any, does not survive and the same is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)