

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 286 OF 2006

JANARDHAN RAMCHANDRA KHATALE and ANOTHER. VS LIFE INSURANCE CORPORATION OF INDIA AMT.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri. Nitin Rode, Advocate for respondent.

CORAM : ANIL L. PANSARE J.

DATE : 14/06/2023

On 07/06/2023, following order was
passed.

*“1. On 17th January, 2023 following
order is passed :*

*“Issue notice to the Appellants
communicating them that in view of
the fact that their Counsel is appointed
as District Judge, they may engage the
services of another Counsel, if they
want to pursue the Second Appeal.*

Stand over to three weeks.”

*2. Pursuant to the aforesaid order notices
were issued to appellant Nos.1 and 2 for
engagement of another counsel.*

*3. Notices are received back unserved with
the report that the noticee are not residing at
the given address.*

4. Stand over to 14.6.2023.”

2. Thus, it appears that the appellants are not residing at the given address. There is no other address available with the Registry or with the respondent to serve appellants.

3. Learned counsel for the respondent submits that the respondent has granted housing loan to the appellants. The appellants failed to pay the principal and interest. Therefore, the respondent instituted suit for recovery of the principal along with interest.

4. The trial Court was pleased to pass decree. The trial Court awarded interest @15% p.a. The appellants challenged the decree before the first appellate Court, which was pleased to dismiss the appeal. The first appellate Court, however, enhanced the rate of interest from 15%p.a. to 17%p.a. The appellants being aggrieved of the findings of both the Courts below, have filed the present appeal.

5. Learned counsel for the respondent has tendered a photo copy of letter dated 29/12/2015 issued by Senior Divisional Manager of respondent mentioning therein that the full amount of principal and interest borrowed by the appellant No.1 has been repaid and that the title deeds of the property has

been returned back and that the mortgage stands discharged. The said letter is taken on record and marked 'X' for identification.

6. Thus, it appears that the appellants have paid the entire amount which includes principal and interest. Therefore, they may not be interested in prosecuting the appeal. Hence, the appeal is dismissed for want of prosecution.

JUDGE