



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**SECOND APPEAL NO. 469 OF 2013
WITH CIVIL APPLICATION NO. 8987 OF 2013**

**KERU CHANGU RUPNAR
VERSUS
KARBHARI CHANGU RUPNAR AND OTHERS**

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 21 MARCH 2024

PER COURT :-

1. None present for the parties.
2. After going through the record, it appears that on 12.03.2013, the present appeal has been instituted challenging the judgment and decree dated 03.12.2012 passed in R.C.A. No.299 of 2009 by the learned District Judge-5, Ahmednagar, arising out of the judgment and decree dated 11.09.2009 passed in R.C.S. No.84 of 2001 by the learned 4th Joint Civil Judge Senior Division, Ahmednagar. It further appears that on 27.09.2013, the matter was first time listed before this Court. However, on that day, none appeared on behalf of the appellant. Thereafter, on 05.10.2023,

the matter was appeared on board, but, on that day also, none appeared on behalf of the appellant. Not only this, but again on 13.03.2024 when the matter was listed before this Court, the following order came to be passed:-

“1. None present on behalf of appellant and the respondents. On face of record, it appears that even after lapse of 11 years the present matter is pending for admission. The record further reveals that the matter was first listed on 27.09.2013 but no one has appeared on behalf of the appellant and since then the matter is pending.

2. Therefore, in the interest of justice the matter is suo moto adjourned to 21.03.2024, with clear understanding that if the counsel for appellant fails to argue the matter in that event appropriate order would be passed.”

3. Since the Counsel for the appellant failed to appear before the Court on various dates as observed above, which prima-facie appears that the appellant is having no interest to prosecute the matter. Hence the Second Appeal as well as the Civil Application is dismissed for want of prosecution. No order as to costs.

[Y. G. KHOBRADE, J.]