



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 FIRST APPEAL NO. 910 OF 2015

EXECUTIVE ENGINEER, KRISHNA KHORE VIKAS MAHAMANDAL

VERSUS

GURUNATH GUNDAPPA MALAGE

...

Advocate for Appellant nos. 2 and 3 -State : Mr. D. B. Bhangre

...

CORAM : Y. G. KHOBRAGADE, J.

DATE : 22.04.2024

PER COURT :

1. None appeared for the appellant / acquiring body.
2. On face of record, it appears that by the present appeal the appellant challenged the judgment and award dated 04.11.2011 passed by the learned Reference Court in L.A.R.Nos.1049/2009 and 1050/2009. After the delay is condoned on 05/01/2015, the present appeal came to be registered in the year 2015.
3. Vide order 09.10.2014 passed in Civil Application no. 15906/2013, execution of Judgment and Award was stayed on the condition that the appellant shall deposit entire decretal amount with interest and cost. The respondents / original claimants were permitted to file an application for withdrawal of amount. Since then the matter is pending for admission.

4. On 11.03.2024, this Court had passed the following order :-

“1. Mr. S. V. Hange, the learned AGP submits that he is appearing on behalf of appellant Nos. 2 and 3 and Appellant No.1 is having independent panel counsel. The learned Advocate Mr. Sangle, submits that he now not in the panel of Appellant No.1. Therefore, he seeks time to inform Appellant No.1 for engaging another counsel.

2. Stand over to 27.03.2024.”

5. Subsequently, on 27.03.2024 none appeared on behalf of appellant and hence the matter was suo moto adjourned to 22.04.2024 i.e. today.

6. In view of the above, it appears that the appellant / acquiring body is having no interest to prosecute the matter. Therefore, present appeal is dismissed under Order 41 Rule 17(1) of the Code of Civil Procedure.

(Y. G. KHOBRADE, J.)