



IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO.70 OF 2011

SHEELA CAMILO

.....APPELLANTS

Versus

SUNITA SIRRISKAR AND ANR.

.....RESPONDENTS

Ms Y. Mandrekar, Advocate for the Respondent No.1.

CORAM: **BHARAT P. DESHPANDE, J**

DATED : **20th June, 2024**

P.C.:

1. Vide order dated 19/04/2024, this Court observed thus :

“ This Second Appeal was dismissed for non-prosecution as the learned Counsel for the appellant was absent.

2. By order dated 26.08.2021 in Misc. Civil Application No.1266/2021(F), the same was restored based on the assurance of Ms Narvekar that henceforth she would diligently attend to this matter.

3. Today when the matter is called out, neither the appellant nor the Advocates appear. Ms Yadika Mandrekar appears for the respondent no.1.

4. As a last chance, place the matter on 25.04.2024 for directions under the caption "For Dismissal". If, on this date as well, neither the appellant nor her Advocate

appears, this Court will be left with no option than to dismiss this Second Appeal for non-prosecution. This is a Second Appeal of the year 2011 and the same cannot be adjourned indefinitely.”

2. The matter was placed on 25/04/2024 wherein the following order was passed:

“Ms S. Parulekar appears on behalf of the appellant. She says that Vakalatnama would be filed within a week from today. She assures the Court that she would appear for the appellant irrespective of her name not appearing on the cause list.

2. Ms Parulekar requests for an adjournment. Accordingly, the matter is adjourned to 20.06.2024 by clarifying that this is an old matter and, therefore, a request for adjournment will not be entertained unless they are for unavoidable reasons.”

3. The learned Counsel for Respondent No.1 submits that intimation was given to this Court that Respondent No.2 expired and no steps have been taken till date. Such order is reflected on 10/10/2012 which reads thus:

“Mr. U. R. Timble, learned Advocate appears for respondent no.1. Appellant to take steps to serve respondent no.2 within a period of three weeks. Stand over to 21.11.2012.”

4. The record shows that no steps have been taken in connection with bringing the legal heirs of respondent No.2 on record.

5. Since none appeared for the Appellant and even earlier orders were not complied with, it seems that the Appellant is not interested in prosecuting the present proceedings. Accordingly, the present proceedings stand dismissed for want of prosecution.

BHARAT P. DESHPANDE, J.