

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5105 OF 2006

Prakash Mahadev Mohite & Ors ...Petitioners

Versus

Ashish Manohar Dhawale & Ors ...Respondents

None for the Petitioners.

**CORAM. M.S. Sonak &
Kamal Khata, JJ**

DATED. 10th September 2024

PC:-

1. None for the Petitioners.
2. On 27th August 2021, the learned Single Judge of this Court was pleased to make the following order in connected Writ Petition No. 5104 of 2006 instituted by the same Petitioners.

“1. Learned Government Pleader, Appellate Side had circulated in the Registry a list of old infructuous matters so that these matters could be listed and disposed of as infructuous. This petition is one of such matters in the list. These matters were accordingly listed before this Court on 20 August, 2021 with a prior notice dated 17 August, 2021, by which the parties were intimated that if the proceedings have not become infructuous, then a praecipe be submitted in the office before its listing on 20 August 2021.

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2. On 20 August, 2021, when this petition was listed before the Court and was called out, none appeared for the petitioners nor a praecipe in response to the notice dated 17 August, 2021 stating that the matter has not become infructuous was placed on record. However, to give a second chance to the parties, the Court adjourned this petition, to be listed today with a specific advance notice dated 24 August, 2021, that the parties are again permitted to submit a praecipe if the proceedings are not infructuous. Despite such second notice, no praecipe is received in the present proceedings on behalf of the petitioners.

3. It, therefore, appears that the petitioners are not interested to prosecute this petition and/or it has become infructuous. The petition is, accordingly, disposed of, however, with liberty to the petitioners to revive the petition in the event the petitioners feel that the cause of action still survives.

4. Disposed of in the above terms. No costs.”

3. Similarly on 27th August 2024 since, neither the Petitioners nor their Advocates appear, this Court made the following order:

“1. None for the Petitioners.

2. List this matter on 10th September 2024 under the caption of disposal/dismissal.”

4. Today, when the matter is called out the same position continues. Therefore, we dismiss this matter for non-prosecution.

5. Interim order, if any, stand vacated.
6. Interim Applications, if any, do not survive and are disposed of.

(Kamal Khata, J)

(M.S. Sonak, J)