

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9479 OF 2009

Chandrakant Ganesh Chikurde

.. Petitioner

Versus

Mubarak Badshah Shaikha & Ors.

.. Respondents

WITH
INTERIM APPLICATION NO.1623 OF 2023
IN
WRIT PETITION NO.9479 OF 2009

- None for the parties.

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 13, 2024

P.C.:

1. None for the parties.
2. The same position prevailed on 25.01.2024 and following order was passed:-

“1. On 11.01.2024, this Court passed the following order:-“1. Heard Ms. Patil, learned Advocate for Respondent Nos. 2 and 3.

“1. None appears for the Petitioner.

2. Ms. Patil would submit that she needs to obtain instructions. Office note shows that Petitioner and both Respondents are all senior citizens and therefore Writ Petition is also required to be heard.

3. At her request, stand over to 25th January, 2024.”

2. Even today, when the Petition is called out for final hearing,

none appears for Petitioner as also for Respondents. Office note which was made on 03.05.2010 records that Petitioner and Respondent Nos. 1 and 2 are senior citizens. Taking that into

cognizance, the matter has been listed on the final hearing board and has reached for final hearing not once but twice. Petitioners are not present. In order to give one last opportunity to the Petitioners to remain present, this Petition is adjourned to 01.02.2024 on the final hearing board. It is clarified that in the event if Petitioners remain absent on that date, this Petition shall stand dismissed for want of prosecution and default.

3. Stand over to 1st February, 2024.”

3. In view of the above, the present Writ Petition is dismissed for want of prosecution and default.

4. Parties are at liberty to apply for restitution.

5. With the above directions, Writ Petition is disposed. In view of the disposal of Writ Petition, the pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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