

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8688 OF 2022

Pravin Jayantilal Patel

... Petitioner

V/s.

Maresh Patel

... Respondent

SHABNOOR
AYUB
PATHAN
Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2024.04.30
18:50:24 +0530

Mr. Shrishailya S. Deshmukh, for Petitioner.

CORAM : AMIT BORKAR, J.

DATED : APRIL 30, 2024

P.C.:

1. **Rule.** Rule made returnable forthwith.
2. The petitioner is challenging order dated 11 February 2020 dismissing petitioner's Appeal for non-prosecution.
3. This Court, by order dated 13 September 2023 issued notice to respondent. The notice of service on respondent was pasted on respondents address. Hence, the respondent is believed to be served. Despite service, the respondent failed to appear. The petitioner in paragraphs 10 to 12 has explained reasons for non-appearance before the Tribunal as according to respondent, he had appointed his representative to attend the proceeding. However, due to hospitalization of the representative's wife which has indicated in paragraphs 10 to 12 of the petition, he could not

remain present. Therefore, considering reasons stated in paragraphs 10 to 12 of the petition, Rule made absolute in terms of prayer clause (a).

(AMIT BORKAR, J.)