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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 13223 OF 2017
ALONGWITH
CIVIL APPLICATION NO. 337 OF 2019
ALONGWITH
CIVIL APPLICATION NO. 242 OF 2020
IN
WRIT PETITION NO. 13223 OF 2017**

David Antony Saundades

..... Petitioner

VERSUS

Pramod Digambar Kulkarni

..... Respondent

None for the Petitioner.

None for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 29 APRIL, 2024

P.C. :-

On 26 March, 2024, this Court passed following order :-

1. Mr. Patil, submits that the petitioner has already taken back papers.

2. This Court on 12 October 2017 passed following directions :

“1. On 28th September 2017, the learned counsel for the petitioner, no doubt, on the basis of instructions from the petitioner, made a very bold statement that possession of the

suit premises was taken over from the petitioner forcibly and without filing any execution proceeding.

2. On the same date, the submission of Mr. Shankar Deshmukh, the learned counsel for the respondent was recorded to the effect that execution proceedings were instituted. However, since Mr. Shankar Deshmukh candidly stated that he was not in a position to make a firm statement, matter was adjourned so as to enable the respondent to file an affidavit in reply.

3. Today, the respondent, has filed an affidavit in reply. Alongwith reply, the respondent has placed several documents which indicate that execution had indeed been filed and the possession of the premises were taken over in the execution process.

4. From the aforesaid, prima facie, it is clear that the petitioner, has attempted to mislead this Court and perhaps, his own counsel. This is a serious matter because this Court was contemplating restoration of possession, if indeed, the respondents, had taken law in their own hand and without instituting execution proceeding disposes the petitioner.

5. The learned counsel for the Petitioner seeks some time to respond to the affidavit. Accordingly, stand over to 8th November 2017 on "Supplementary Board".

3. In order to enable the petitioner to make submission. Stand over to 10 April 2024. The matter to come up under the caption of "Dismissal". Mr. Patil will inform the next date of this writ petition to the petitioners.

2. Thereafter, on 10 April, 2024 on behalf of the advocate Mr.M.A.Patil, it was informed that he has returned back the papers to the petitioner, and he has no instructions to appear in the matter. The matter was hence adjourned to 29 April, 2024.

4. Today, none appears for the petitioner. It appears that the petitioner has lost interest in pursuing this writ petition.

5. Writ petition is dismissed for default.

6. In sequel, pending civil applications are also disposed of.

[RAJESH S. PATIL, J.]