

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12089 OF 2023

Bhupnarayan Vikramsingh Singh & Anr	...Petitioners
<i>Versus</i>	
Pradeep Yashwant Gharat & Ors	...Respondents

None, for the Petitioner.
Mr Amey Sawant, i/b SM Sabrad, for Respondents Nos. 1, 3 and 5.

CORAM Kamal Khata, J.
DATED: 12th April 2024

PC:-

1. Mr Sawant representing Respondents Nos 1, 3 and 5 states that he has intimated the Petitioners that the matter shall be taken up today inspite of the said intimation none appears on behalf of the Petitioners. The statement is accepted.
2. This Petition has been filed on 20th April 2023 (as noticed from the stamp and notarisation below the verification clause). The Petition apparently shows the date of 20th April 2022 on the previous page being the end of the Petition. The matter has been pending since then.
3. The matter first came up on 27th March 2024. None appeared on behalf of the Petitioners. Respondent Nos. 1, 3 and 5 were represented through their Advocate. The matter was

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adjourned to 10th April 2024. None appears for the Petitioners even on 10th April 2024. As per the direction of the Court to the Respondent's Advocate, the Petitioners were put to notice that the matter will be taken up today i.e. 12th April 2024 and if they fail to appear the matter shall be dismissed. Even after intimation the Petitioners have failed to appear.

4. Mr Sawant for the Respondents submits that he has given notice to the Petitioners on 10th April 2024 that has been accepted by the Petitioners' Advocate's Clerk. When asked why would this service be accepted as due service by the Court, he points out that it is the same Court Clerk of the Petitioner's Advocate who had accepted the previous notice served on 27th April 2023. The signature appears to be of the same person. Mr Sawant submits that the Respondents Advocates do not have either the email address or mobile number on which the Petitioners can be reserved and intimated. The Petitioners Advocates have failed to give their email address and mobile number even to this Court.

5. In these circumstances, I am inclined to dismiss the Petition for want of prosecution.

6. Petition dismissed.

7. No order as to costs.

(Kamal Khata, J)