

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

FIRST APPEAL NO. 559 OF 2013

Mr Niraj Mansukhlal Ved

... Appellant

Vs.

Mr Jitendra K. Shah And Anr

... Respondents

None for the Appellant.

Ms. Hiral Thakkar, i/by Ashwin Ankhad & Associates, for the Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATE : 3rd APRIL, 2024

P.C.:-

1. The learned Advocate for the Respondent No. 1, informs that infact the matter is settled between the Respondent No. 1-(Purchaser of the Flat) and Respondent No. 2-(Developer).

2. In view of the same she submits that nothing survives in the appeal. She is in a possession of the suit Flat as an agent of the Receiver. Since last many dates none has appeared for the Appellant. Even the paper-book is not filed pursuant to Order dated 03.07.2014. On the last occasion this Court by Order dated 03.01.2024, directed the learned Advocate for the Respondent No. 1 to give intimation of the date to the Appellant.

3. Today learned Advocate for the Respondent No. 1 produce on record copy of intimation given to the Appellant as well as the Advocate of

the Appellant. She also served a copy by E-mail intimating the next date. Copy of the said E-mail intimation is taken on record and marked 'X' for the purpose of identification.

4. It appears that the Appellant is not interested in prosecuting the Appeal. This Court is therefore constrained to pass an order dismissing the appeal for default.

5. First Appeal stands dismissed in default.

6. Pending Applications, if any, stands disposed of, in view of the disposal of the Appeal.

7. Interim Order, if any, stands vacated.

(KISHORE C. SANT, J.)