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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6111 OF 1997**

Smt. Janabai Sitaram Kolte and Others ... Petitioners

vs.

Abhilasha Shramik Co-operative Housing ... Respondent
Society Ltd

Mr. Piyush Todkar i/b. Neeta Karnik, for Petitioners.

CORAM : GAURI GODSE, J.

DATED : 4th APRIL, 2024

P.C. :-

1. By order dated 28th March 2024, this petition was directed to be listed today under the caption for 'dismissal' as none had appeared for the petitioners on the last occasion.

2. Since, on 11th January 2024, following order was passed:

"1. Learned counsel for the petitioner seeks time for tracing papers, stand over to 18th January 2024."

3. On 18th January 2024, again time was asked on behalf of the petitioners, hence following order was passed:

"1. On the last occasion i.e on 11th January 2024, time was asked for tracing the papers. Today, time is asked

on the ground of taking instructions from the petitioner.

2. List the petition on 25th January 2024 by way of last chance.

3. It is clarified that no further adjournment will be granted.

4. To be added to weekly final hearing board in the week commencing from 22nd January 2024.”

4. Thereafter, the petition was called out on 25th January 2024. On that day, learned counsel for the petitioners informed that this petition was directed to be heard alongwith Writ Petition No. 3789 of 1997. Hence, the petition was directed to be listed alongwith the connected Writ Petition No. 3789 of 1997, on 26th February 2024.

5. On 28th March 2024, when the matter was called out none appeared for the petitioners. A perusal of the record indicates that there was no order for tagging both the petitions together. Hence, by order dated 28th March 2024, the petitions were directed to be detagged. Since, even on second call none had appeared for the petitioners, by way of last chance this petition was directed to be listed today under the caption for ‘dismissal’.

6. Today, when the matter was called out, the learned counsel for the petitioners submits that the letter issued by learned advocate for the petitioner is returned unserved with remark ‘unclaimed’. He

submits that the learned advocate for the petitioners has no instructions from the petitioners to argue the petition. Hence, he is unable to argue the petition on merits. There is no application made for discharge from the matter. However, since learned advocate for the petitioners submits that he is unable to argue the petitions, I have no option but to dismiss the petition for non-prosecution.

7. Hence, petition is dismissed for non-prosecution.

(GAURI GODSE, J.)