

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.365 OF 2009

Sky Anchorage CHS Ltd.

.. Applicant

Versus

Shabbir N. Patel

.. Respondent

WITH
FIRST APPEAL NO.1000 OF 2007
WITH
CIVIL APPLICATION NO.1736 OF 2007
IN
FIRST APPEAL NO.1000 OF 2007
WITH
FIRST APPEAL NO.1041 OF 2009

- None for the parties.

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 25, 2024

P.C.:

1. None appears for the parties.
2. On 18.01.2024, none appeared for the parties. Therefore considering the previous order passed by this Court and subsequent development, this Court passed the following order:-

“1. None appears for the parties.

2. On 22.11.2016, this Court passed the following order:-

“1. Heard Mr Mishra for the Applicant. The matter was heard on 30th April 2015. In the order dated 30th April 2015, it was noted that the Respondent has instituted First Appeal No.1041 of 2009 challenging the impugned order and the same was admitted on 28th August 2009. It was also noted that another First Appeal No.1000 of 2007 impugning the very judgment is also filed in this Court. The matter was therefore adjourned to 6th July 2015 to enable the parties to obtain appropriate orders. However, it

does not appear that the parties have taken any steps for clubbing the above Civil Revision application with two First Appeals. The matter was therefore adjourned on 18th November 2016. Mr Mishra states that the matter

is referred to mediation and parties are at settlement stage.

2. In view thereof, stand over to 29th November 2016. To be listed under the caption 'For Dismissal' at the bottom of admission board or at 3.00 p.m., whichever is earlier”

3. The order is self explanatory and no further explanation is required to be given.

4. Today when the Civil Revision Application is called out, none appears for the parties. It is seen that even after that order, matter was listed before this Court on several occasions. Thereafter it was pointed out to Court that by Administrative order dated 13.02.2017, hearing of the present Civil Revision Application, First Appeal No.1000 of 2007 and First Appeal No.1041 of 2009 were clubbed together.

5. Incidentally it is seen that all three proceedings are challenging the same order in this Court. At the outset the maintainability of all three proceedings challenging the same order cannot be permitted and Applicant will have to make up its mind to withdraw atleast two out of the three proceedings in order to maintain the challenge.

6. Further order is passed by this Court on 13.07.2017 noting that parties are actively involved in a settlement and last chance was given to the parties. In view of the above, since none has appeared today one last opportunity is given to the Petitioner to remain present on the next adjourned date.

7. It is clarified that if none appears before the Court on the next adjourned date, the Civil Revision Application as also two First Appeals filed alongwith Civil Revision Application shall stand dismissed for non-prosecution.

*8. Stand over to **25th January, 2024.**”*

3. Today all the three proceedings are listed for final hearing and called out. Once again none appears for the parties.

4. In view of the above, matters namely Civil Revision Application No.365 of 2009, First Appeal No.1000 of 2007 and First Appeal No.1041 of 2009 all stand dismissed for want of prosecution

and default.

5. Liberty to apply to the parties.

6. Civil Revision Application No.365 of 2009, First Appeal No.1000 of 2007 and First Appeal No.1041 of 2009 are disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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