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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8014 OF 2004

~~Abu Baker Abdul Inamdar~~

(Since Deceased by his heirs)

Sayyad Saifulla Abu Baker and Ors.

.. Petitioners

Versus

~~Haroon Abdul Inamdar~~

(Since Deceased by his heirs)

Ashabi Haroon Inamdar and Ors.

.. Respondents

WITH
CIVIL APPLICATION NO. 2532 OF 2014
WITH
CIVIL APPLICATION (ST) NO. 31320 OF 2016
WITH
CIVIL APPLICATION NO. 913 OF 2015
WITH
CIVIL APPLICATION NO. 981 OF 2015
IN
WRIT PETITION NO. 8014 OF 2004

- None for Petitioners.
- None for Respondents.

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 07, 2024.

P.C.:

1. None appears for the parties.
2. Present Writ Petition is filed in the year 2004.
3. In the present Writ Petition, it is seen that challenge is maintained to the order dated 17.08.2004 passed by the learned Joint

Civil Judge, Senior Division, Kolhapur in Final Decree Application No.18 of 1977. It is seen that the original Suit itself was filed in the year 1964. It was decreed. First Appeal came to be filed in the year 1968 which was dismissed by judgment and order dated 20.12.1969. Second Appeal was filed in the year 1970 which was disposed of by judgment dated 11.08.1976.

4. Final Decree Application was thereafter made in the year 1977 under the provisions of Section 54 of the Code of Civil Procedure, 1908. Copy of the said Application was sent on 26.11.1969 for effecting partition as per the order of the Court. It is also seen from the pleadings that some of the parties have abandoned their account altogether. The impugned order dated 17.08.2004 is passed in the Final Decree Application No.18 of 1977.

5. Today, when the matter is called out for final hearing, none appears for either of the parties. It is seen that even on an earlier occasion on 04.10.2019 when the matter was called out, none had appeared for the parties. On 23.03.2015, when the matter was called out, Advocate for Petitioners and Advocate for Respondent Nos.1(B) and 1(C) were however present, on which date, it was informed to the Court that some of the parties had expired, but no steps have been taken to implead their legal heirs till date.

6. Be that as it may, the Writ Petition cannot be allowed to remain on board and be adjourned time and again in this manner, if parties do not appear.
7. Writ Petition is therefore dismissed for want of prosecution.
8. Liberty to apply to the parties.
9. Writ Petition is disposed.
10. In view of the disposal of present Writ Petition, pending Civil Applications, if any, also do not survive and the same are also disposed.

[MILIND N. JADHAV, J.]

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