

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7245 OF 1999

Hirabai Kisan Sonavane ... Petitioner

V/s.

Baburao Ramchandra Navale ... Respondent

None for the Petitioner.

Ms. Manali Garge a/w Mr. Aniruddha Garge, Advocate for the
Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 8 FEBRUARY 2024

P.C.:

1. Ms. Garge appearing for the Respondent / Tenant, submits that this Writ Petitions is filed by original plaintiff / landlord, challenging the concurrent findings recorded by both the Courts i.e. Trial Court and the First Appellate Court.
2. She further submits that petitioner / landlord had filed a suit on the grounds of 13 (i)(g) and “default”. The said suit of the petitioner / landlord was dismissed, so also an appeal filed against the said decree was dismissed, therefore, the present Writ Petition has been filed by the original plaintiff / landlord.
3. The Writ Petition was admitted on 5 August, 2000. Ms. Garge appearing for the respondent / tenant, submits that she has

telephonic instruction the possession of the suit premises has been handed over to the landlord / petitioner roughly around the year 2013 / 2014.

4. She further submits that thereafter the sole respondent has also died.

5. This Court on 3 July 2017 has recorded that the petitioner who did not appear on that day has probably lost interest to prosecute this writ petition. The said Order dated 3 July 2017 read as follows:-

“1 None for the Petitioner. None for the respondent.
2 On earlier occasions, the petitioner was not represented. Perusal of the record indicates that both the Courts below have held against the petitioner. It appears that the petitioner has lost interest to prosecute this petition.
3 However, as a last chance, list the petition under the caption for “Dismissal/Disposal” on 04.07.2017”.

6. Thereafter, the matter appeared on 13 July 2017 when again nobody appeared on behalf of the petitioner. The Order dated 13 July 2017 read as under:-

“1 None for the Petitioner.
2 When the petition is called out for final hearing, it is informed that Mr. R. B. Jagtap, Advocate has filed leave note upto 31st July, 2017. However, the record indicates that Mr. Jagtap is not the only advocate appearing for the petitioner but there is a join vakalatnama with Advocate Mr. A. P. Vanarase. There is no leave note filed by Advocate, Mr. A. P. Vanarase. Despite this, the petitioner is not represented. Such a state of affairs is not acceptable and is prejudicial to the interest of the petitioner. However in the interest of justice and as a last chance the petition is adjourned to 24th July, 2017. No further request for adjournment would be entertained. If the petitioner is not represented on the adjournment date, the court shall

proceed to dismiss the petitioner for non-prosecution”.

7. Even today none appears for the petitioner, hence this Court is of the view that as the landlord has received the possession of the suit premises, he has lost interest to prosecute this Writ Petition.

8. In view of the same Writ Petition is dismissed for want of prosecution.

(RAJESH S. PATIL, J.)