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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1887 OF 1997

The Poona Contractors Co-operative
Bank Limited Now called as:
Citizens Co-operative Bank Ltd.

... **Petitioner**

Vs.

M/s. Bank Carriers and Others

... **Respondents**

WITH
CIVIL APPLICATION NO. 215 OF 2003
WITH
CIVIL APPLICATION NO. 6104 OF 1997
IN
WRIT PETITION NO. 1887 OF 1997

M/s. Best Carriers and Others

... **Applicants**

In the matter between

The Poona Contractors Co-operative
Bank Limited Now called as:
Citizens Co-operative Bank Ltd.

... **Petitioner**

Vs.

M/s. Best Carriers and Others

... **Respondents**

Mr. Sandeep Waghmare i/b. Mr. Prashant Naik for the Petitioner.

Mr. Y. D. Patil, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 29th FEBRUARY 2024

P.C.

Note : This order is corrected vide speaking to minutes of order dated 9th May 2024.

1. Learned counsel for the petitioner has placed on record copy of the application dated 29th February 2024 for discharge. He submits that the application for discharge is filed with the Registry. Copy of the said discharge application filed in the registry on 29th February 2024 is taken on record. He submits that he had sent letter to the petitioner i.e Citizen Co-operative Bank Limited on 1st February 2024 intimating that by way of last chance two weeks time is granted and thereafter the petitions will be dismissed for non-prosecution.

2. He submits that the said letter was sent through Registered AD speed post, addressed to the Citizens Co-operative Bank Limited. He submits that the said bank has been merged with Abhyudaya Co-operative Bank Limited. He further relies upon postal acknowledgment and submits that the said letter is received by Abhyudaya Co-operative Bank Limited. He has annexed copy of letter dated 1st February 2024 as well as earlier letter dated 7th January 2024 and the postal acknowledgment of receipt of letter dated 1st February 2024. He therefore prays that he may be discharged from the matter.

3. I have perused the application for discharge as well as letters issued to the petitioner and the postal acknowledgment. Learned
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counsel submits that inspite of the said letter petitioner has not given any instructions. Inspite of the aforesaid intimation, no other advocate appears on behalf of the petitioner today. Hence, learned Advocate appearing for the petitioner is discharged.

4. Since none appears for the petitioner, Writ Petition is dismissed for non prosecution.

5. Since Writ Petition is dismissed, pending Civil Applications are disposed of as infructuous.

[GAURI GODSE, J.]