

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 1342 OF 2009

Shashikant Umakant Malve

... Appellant

Vs.

Ganpat Baburao Kamble And Others

... Respondents

None for the parties.

CORAM : KISHORE C. SANT, J.

DATE : 3rd APRIL, 2024

P.C.:-

1. By Order dated 09.02.2010, this Court had admitted the First Appeal and Called for Record and Proceeding. Printing was dispensed with. Appellant was directed to supply paper-book within two weeks from the date of Order.

2. On 29.11.2023, this Court had granted time to the learned Advocate for the Appellant to verify the present status of the parties and the subject property and it was adjourned to 13.12.2023. On 13.12.2023, the same was adjourned to 10.01.2024. On 10.01.2024 the same was adjourned to 06.03.2024, on which date the Appeal could not be taken up due to paucity of time.

3. Today when the matter is called out none appears for the parties. Office note shows that till now the Appellant has not filed private

paper-book. The Appeal is filed against dismissal of the suit that was filed for specific performance of contract in terms of development agreement executed by the Defendant in favour of the Plaintiff.

4. Looking to the nature of the dispute it appears that the Appellant may not be interested in prosecuting the appeal and therefore no one is appearing since many dates. This Court therefore is constrained to dismiss the appeal for default.

5. First Appeal stands dismissed for default.

6. Pending Applications, if any, stands disposed of in view of the disposal of the First Appeal.

(KISHORE C. SANT, J.)