

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1343 OF 2013**

Peter Andrew Vaity (deleted) His Lrs. ... Appellants
1A. Noel Peter Vaity and Ors.

V/s.

Mrs Branjya Andrew Vaity and Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 294 OF 2019
IN
FIRST APPEAL NO. 1343 OF 2013**

Juren Andrew Vaity since deceased ... Appellants
through LR. Paski J. Vaity (wife)
and Ors.

V/s.

Mrs Branjya Andrew Vaity and Ors. ... Respondents

None for the appellants.

Mr. Roop Vasudev, with Priyanka Rane, for respondent no. 6.

CORAM : KISHORE C. SANT, J.

DATE : 6TH FEBRUARY, 2024.

PC:

1. This appeal is filed challenging the judgment and order of dismissal of suit. Though the appeal is filed in 2013, it is not known

who is appeared for the appellant. On 24th January 2019 none was present for the appellant and the same was adjourned to 12th February 2019. Advocate for respondent no. 6 was present. Today when the matter is called out, none appears for the appellant. Learned advocate for respondent no. 6 is present. He pointed out the order dated 29th January 2024, this Court in the said order has recorded that the matter though is pending since last more than 10 years, the same is not moved or pressed for any order. It is also recorded that respondent no. 6 has completed construction of the building in 2002 and the occupation certificate is also received on 7th September 2022 and the entire FSI of CTS No. 130 and 131 is consumed. This Court finds that the appeal may be dismissed for want of prosecution in above circumstances.

2. The appeal is therefore, dismissed for want of prosecution.
3. In view of dismissal of the Appeal, pending applications if any do not survive and are disposed of accordingly.

(KISHORE C. SANT, J)