

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

FIRST APPEAL NO.176 OF 2009

Paras Baldev Yadav

..Appellant

Versus

Shreeji Chambers Premises Co-op. Society & Anr.

..Respondents

None for the Appellant.

Ms. Usha Tiwari a/w Manshi Jain, for the Respondent No.1.

Mr. Santosh Parad, for the MCGM.

CORAM : KISHORE C. SANT, J.

DATE : 8th JANUARY, 2024

PC.

1. This Court by order dated 29th November, 2023 had made it clear that if none appears for the Appellant, the matter shall be dismissed and the same was adjourned to 4th December, 2023, for further orders. From order dated 4th December, 2023, it appears that the matter could not be reached and it was adjourned to 18th December, 2023. This Court in the order dated 18th December, 2023 noted earlier order and directed the Appeal be placed for dismissal on 8th January, 2024 i.e. today. In spite of this position, none appears for the Appellant.

2. Learned advocate for the Respondent No.1/Society has specifically made a statement that the structure in respect of which the Appeal is filed itself is demolished by the Corporation. She has placed on record order dated 2nd April, 2009, whereby this Court

had granted liberty to Respondent/Corporation to demolish the structure, if the same is found to be unauthorized. The Trial Court has already recorded that the structure is unauthorized.

3. In view of the same, this Court accepts the statement of Respondent No.1 that the structure is demolished. It appears that for this reason, the Appellant has lost interest in prosecuting the Appeal.

4. The Appeal is therefore dismissed for want of prosecution.

[KISHORE C. SANT, J.]