

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

**CIVIL APPLICATION NO.2416 OF 2014
IN
FIRST APPEAL NO.976 OF 1998
WITH
CIVIL APPLICATION NO.2417 OF 2014**

Shri. Shambhunath Dwarka Halwai ..Appellant
Versus
Radhyesham S/o Baijnath Dwarka Halwai ..Respondent
AND
Ghanshyam S/o Late Shri. Shambhunath
Dwarka Halwai & Ors. ..Applicants

Ms. Reshma Nair i/by Dvmani Shukla, for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 8th JANUARY, 2024

PC.

1. This application is for restoration of the Appeal and setting aside order of dismissal for default. The application is filed for condonation of delay of 3 years and 304 days. The Appeal was dismissed on 11th November, 2009. This Court by detailed order dated 13th December, 2023 recorded the conduct of the Applicants. It is also recorded that in 2009 itself, the application was on board under the caption for “dismissal”. However, on the same day, it was adjourned. It appears that thereafter till now, none appeared and the matter is thus placed under the caption for “dismissal” on the today’s board.

2. Today, when the matter is called out, none appears for the Applicants. Learned advocate for the Respondent has taken this Court to the earlier orders. It is clear from the conduct of the Applicants that the Applicants are not desirous in prosecuting the Application.

3. The Application stands dismissed.

4. The Appeal also stands dismissed for want of prosecution.

5. Even other application, if any, also stand disposed of in view of this order.

[KISHORE C. SANT, J.]