

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO.729 OF 2018

Visible Chits (Maharashtra) Pvt. Ltd. ... Claimant

V/s.

Rajesh G. Shinde & Ors. ... Respondents

None for the Claimant/Decree Holder.

CORAM : ARIF S. DOCTOR, J.

DATE : 11TH JANUARY 2024

P.C. :

1. The present matter was on board today for dismissal under Rule 329 of the Bombay High Court (Original Side) Rules, 1980 since no steps have been taken by the Claimant/Decree Holder for twelve months from the date of filing of the captioned Execution Application. Rule 329 of the Bombay High Court (Original Side) Rules, 1980 provides as follows;

"R.329. Non-prosecution of application for execution.----- When a party does not proceed with the application for execution for a period of twelve months from the date of the filing of application, the Prothonotary and Senior Master shall place the application before the Judge in Chambers for dismissal for want of prosecution. The Judge may pass such orders thereon as he may think fit."

2. A perusal of the record shows that by an order dated 17th September 2019 passed by the Prothonotary and Senior Master of this Court, the Advocate on record had been discharged and no fresh Vakalatnama has been filed neither has anyone appeared in the matter.

3. When the matter was called out, none appeared on behalf of the Claimant/Decree Holder to show cause as to why the captioned Execution Application should not be dismissed. The captioned Execution Application is of the year 2018 and given that despite the passage of over five years, the Claimant/Decree Holder has not taken any steps to proceed with the Execution Application, the captioned Execution Application is thus dismissed in terms of Rule 329 as above.

(ARIF S. DOCTOR, J.)