



4501-2022

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4501 OF 2022

(Chandrashekhar Vitthalrao Umratkar & Anr. Vs. Sitaram Rangappa Kaushik & Ors.)

WITH WRIT PETITION NO. 6140 OF 2018

(Sitaram s/o Rangappa Kaushik Vs. Prabhakar s/o Bapurao Rao & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

WP No. 4501/2022

Shri M.M. Agnihotri, Counsel for the petitioners.

Shri A.M. Ghogare, A.G.P for respondent nos. 2 to 4.

WP No. 6140/2018

Shri V.D. Darne, Counsel for respondent no.1.

Shri A.M. Ghogare, A.G.P for respondent nos. 3 to 7.

Shri M.M. Agnihotri, Counsel for respondent nos. 9 and 10.

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CORAM : ANIL L. PANSARE, J.
SEPTEMBER 4, 2024

On previous date, following order was
passed :

“*Mr. V. G. Bhamburkar, learned Counsel for the Petitioner in Writ Petition No. 6140/2018 made a request to adjourn the matter to 18/9/2024, to which Mr. M. M. Agnihotri, learned Counsel for the Respondent Nos.9 and 10 submitted that he had informed the learned Counsel for Petitioner three days back that he will not consent for adjournment and further that he has strong objection for postponement of hearing, considering the fact that the Petition is pretty old.*

2. *Nonetheless, learned Counsel for the Respondents submits that if at all the adjournment is to be granted, let the Petitions be fixed in next week. Accordingly, the Court proposed to have the matter listed on 4/9/2024, to which, learned Counsel for the Petitioner submits that his client is 81 years old and is willing to remain present before the*

Court for final hearing. He further submits that he will require instructions from his client at the time of hearing, accordingly insisted to keep the Petitions for final hearing on 18/9/2024.

3. This request cannot be accepted. If at all the Petitioner intends to remain present before the Court, he can do so on 4/9/2024, either physically or on V/C.

4. The learned Counsel for Petitioner submits that he cannot remain present on 4/9/2024 physically as well as on V/C.

5. If that be so, there is no reason why should request of the Petitioner to list the Petitions on 18/9/2024 be accepted. The request is, accordingly, rejected.

6. Both the Petitions are fixed for final hearing on 4/9/2024, with clear understanding that no more adjournment will be granted.

7. Interim relief granted in Writ Petition No. 4501/2022 to continue till then."

2] As could be seen, the petitioner's Counsel in Writ Petition No. 6140/2018 was reluctant to proceed with the matter. None appears for the petitioner today. The absence appears to me to be intentional.

3] In the circumstances, the only inference that could be drawn is that the petitioner is not interested in prosecuting the petition.

4] Writ Petition No. 6140/2018 is accordingly dismissed as not prosecuted with cost of Rs.5,000/- to be deposited with the High Court Bar Association Library, Nagpur. The application seeking restoration of petition, if filed, shall be listed only upon the petitioner depositing cost. In other words, payment of cost is condition precedent to list the application.

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5] The challenge is to order dated 30/3/2022 passed by the Additional Commissioner, Amravati Division, in Revision Application No. 1/RTS-64/Lasina/2021, as also the order 9/7/2019 passed by the Sub-Divisional Officer, Yavatmal, refusing to process the mutation proceedings until Writ Petition No. 6140/2018 is decided.

6] Writ Petition No. 6140/2018 has been now dismissed as not prosecuted. The respondent no.3 – Sub-Divisional Officer, Yavatmal, shall, therefore, proceed further to decide the mutation proceedings in accordance with law, as expeditiously as possible. The impugned orders are accordingly set aside.

7] The Writ Petition is disposed of in above terms.

(ANIL L. PANSARE, J.)

Sumit