



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

SECOND APPEAL NO. 372 OF 2019

(Shri Natthu s/o Marotraoji Dharmik Vs. Mr. Yahiya Khan s/o Roshan Khan)

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

Court's or Judge's orders.

Shri V.R. Thote, Counsel for the respondent.

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CORAM : ANIL L. PANSARE, J.
JANUARY 16, 2024.

On 8/1/2024, the following order was
passed :

*“On previous date, following order was
passed.*

*“List the Appeal on 8th January, 2023 under the
caption of ‘Part heard’.”*

None present for the parties.

*List under the caption, “For Dismissal”,
on 16.01.2024.”*

- 2] None appears for the appellant, even today.
- 3] It appears that the appellant is not
interested in prosecuting the appeal.
- 4] The learned Counsel for the respondent
submits that during the course of hearing on 3/1/2024,
this Court expressed a view that there is no merit in the
appeal. He submits that the view expressed may be the
reason for the absence of the appellant and his Counsel.
- 5] The appeal is dismissed under Order XLI
Rule 17 read with Order XLII Rule 1 of the Code of Civil

Procedure, 1908 with costs of Rs.5,000/- (rupees five thousand) to be paid to the High Court Legal Services Sub-Committee, Nagpur. The restoration application, if filed, shall only be listed upon depositing costs of Rs.5,000/-.

(ANIL L. PANSARE, J.)

Sumit