Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3755 OF 2025
IN
SECOND APPEAL (ST) NO. 11027 OF 2024

Rekha Pradeep Kalal …Applicant

Versus

Bhomaji Ashlaji Kalal …Respondent

WITH
INTERIM APPLICATION NO. 3756 OF 2025
IN
SECOND APPEAL (ST) NO. 11027 OF 2024

Pradeep B Kalal Since deceased
thr. his LRs …Applicant

Versus

Shri Bhomaji Ashlaji Kalal …Respondent

None for the Applicant/Respondent.

AMOL PREMNATH JADHAV

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Date: 2025.12.24 20:17:39 +0530

CORAM Advait M. Sethna, J.
DATED: 24 December 2025

PC:-

1. This Court had passed an order on 23rd December 2025 which reads thus:-

> "1. None appears for the Applicant/Appellant.
>
> 2. This Court, by an earlier order dated 15 December 2025, had observed that the Application for condonation of delay of 263 days, which was filed on 23 February 2024, has been pending since then. The Court also observed that the

> Applicant was not represented on the said date. In the interest of justice, an opportunity was granted to the Applicant/Appellant to remain present before the Court by the said order dated 15 December 2025. However, when the matter was called out today, the same position continues. Therefore, as a matter of last chance, list these proceedings on **24 December 2025**.
>
> 3. It is made clear that if the Applicant does not appear and/or is not represented, the Court shall constrained to pass appropriate orders, including dismissal of this Interim Application for want of prosecution."

2. Despite the categorical directions given in the order, none has appeared for applicant who remains unrepresented even today. This position continues despite giving opportunity to the Applicant to either appear or represent herself before the Court. The directions of this Court vide order dated 15th December 2025 followed by the order dated 23 December 2025 have not been taken seriously and appears to have fallen on deaf ears. This Court is thus constrained to dismiss the Interim Application which is filed to condone the delay of 263 days in filing the Second Appeal for want of prosecution.

3. Needless to mention that when such applications for delay condonation are filed, the applicants are expected to pursue the same with utmost diligence, sincerity and expediency.

4. In view of the above, the Court is left with no option to dismiss the Interim Application No. 3755 of 2025 for want of prosecution.

(Advait M. Sethna, J)