

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

**INTERIM APPLICATION NO.15161 OF 2024
IN
SECOND APPEAL (ST) NO.32037 OF 2024**

Tatyaba Waman Itkar

...Applicant

Vs.

State of Maharashtra

...Respondent

None for Appellant.

CORAM : Advait M. Sethna, J.

DATED : 16 December 2025

P.C.:-

1. Perusal of the record would reveal that there have been earlier orders passed in these proceedings.

2. By order dated 15 December 2025 this Court has reproduced the earlier order dated 20 January 2025. The Court on 15 December 2025 has passed the following order:-

“1. None for the parties.

2. On perusal of the record, it appears that an order has been passed on 20 January 2025 in these proceedings which reads thus :-

“1. None for the appellant.

2. Stand over to 11th February 2025 for dismissal under the caption for “Fresh Admission”.

3. Once again when the matter is called out today, none appears for the Applicant.

4. *This is despite the fact that on 20 January 2025 as is evident from the above, none had appeared for the Applicant and the matter was posted for dismissal on 11 February 2025. However, as the above position continues list on **16 December 2025** for Direction/Dismissal go grant one last opportunity to the Applicant/Appellant.*
5. *It is made clear that if the Applicant/Appellant is again unrepresented, the Court shall proceed to pass appropriate orders including dismissal of the proceedings for want of non-prosecution.”*

3. Once again, despite the categorical orders made by this Court on 15 December 2025 noting earlier order dated 20 January 2025, the Applicant is neither represented nor has appeared even today. The record will clearly indicate that sufficient opportunities have been given to the Applicant from time to time. It clearly appears that the Applicant/Appellant is not interested in pursuing the proceedings, which cannot be kept pending, indefinitely.

4. Considering the above and the fact that enough opportunities are given to the Appellant/Applicant, the Court is constrained to dismiss the captioned Interim Application for non-prosecution.

5. Accordingly, Interim Application No.15161 of 2024 is hereby Dismissed with costs of Rs.15,000/- (Fifteen Thousand Only) payable to the High Court Employees Medical Welfare Fund at Mumbai, the details of which are as follows:-

Charitable Trust Bank Account Details:

Account Name: The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank: Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

6. It is made clear that any future proceedings in this case, shall be subject to payment of the costs by the Applicant/Appellant.

7.

(Advait M. Sethna, J)