

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

CIVIL REVISION APPLICATION NO. 55 OF 2015

Mr. Mohd Mehtab Khan And Anr. ...Applicants
Versus
Khushnuma Ibrabim Khan And Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.7894 OF 2025
WITH
INTERIM APPLICATION NO.3482 OF 2019
WITH
CIVIL APPLICATION NO.107 OF 2017
WITH
CIVIL APPLICATION NO.174 OF 2017
WITH
INTERIM APPLICATION NO.4670 OF 2023
IN
CIVIL REVISION APPLICATION NO. 55 OF 2015
WITH
CIVIL REVISION APPLICATION NO. 454 OF 2015**

Asadulla Khan Alias Sameer Khan ...Applicant
Versus
Khushnuma Ibrahim Khan And Ors. ...Respondents

Ms. Srushti Chalke, i/b Mr. Drupad Patil for Applicants in
CRA/55/2015 and IAs.

Mr. Inayat Ali Qureshi, i/b. Mehta Laljee & Co. for
Respondent Nos.1 and 2 in all CRA's & IA's.

CORAM : Advait M. Sethna, J.

DATED : 23 December 2025

P.C.:-

1. Heard Mr. Qureshi, learned counsel for the Respondent Nos.1 and 2. None appears for the Applicants.

2. Ms. Chalke has stated that NOC has already been given to the Applicants long back. However, it appears that the Applicants have chosen not to be represented in these proceedings. This Court has passed detailed order on 19 December 2025 which reads thus:-

- “1. The controversy in these proceedings centers around the suit flat. It belongs to deceased husband of Respondent No.1. Respondent No.1 seems to have been allegedly dispossessed by the Applicant son and other relatives from the first divorced wife of the said deceased. It appears that the litigation revolves around the suit flat/premises.*
- 2. The Civil Revision Application preferred by the Applicants is against the judgment and decree dated 22 December 2014, passed by the City Civil Court of Greater Bombay in Short Cause Suit No.2488 of 2012. It is by such order that the Applicants (original Defendants) were directed to deliver possession of the suit flat/property/office in favour of the Plaintiff within one month from the date of the said order.*
- 3. Aggrieved by such order, the Applicants have preferred the present Civil Revision Application. Learned counsel for Respondent Nos.1 and 2 would submit that an Interim Application No.448 of 2017 was preferred before this Court. By an order dated 16 January 2018, the Applicants in the said Interim Application were directed to deposit a pay order of Rs.1,35,000/- on or before 19 January 2018. Paragraphs 8 and 9 of the said order reads thus:-*

“8. Accordingly, it is directed that the Respondents shall deposit the Pay Order of Rs.1,35,000/ on or before 19th January, 2018. On the request of learned counsel for Respondent Nos.1 and 2, it is clarified that, in case by 19th January, 2018, learned counsel for Respondent Nos.1 and 2, does not receive the signed Vakalatnama from the Respondents, the Registry to accept the pay order on the application of their counsel Mr.Memon

9. The Respondents to deposit the balance amount of Rs.1,90,000/ within four weeks from today”

- 4. Learned counsel for the Respondent now submits that in light of the default committed by the original Applicants, the Respondent now put in possession of the said suit flat and the interim relief stands automatically vacated because of default committed by the Applicants in terms of the order dated 16 January 2018.*
- 5. It appears from the record that the Applicants have committed consecutive defaults and have not acted in terms of the order passed by this Court even on earlier occasions. Even today none appears for the Applicants nor are the Applicants represented.*
- 6. In light of the above, to grant one more opportunity to the Applicants, list these proceedings on **23 December 2025**. It is made clear that if the Applicants continue to be unrepresented on the next date, the Court shall be constrained to pass appropriate orders.”*

3. Considering the reasons recorded in the said order, it was expected that the Applicants should have appeared and/or represented today. It appears that they have lost interest in pursuing these proceedings, more particularly, considering the defaults which have been committed by them of

the orders of this Court passed on earlier occasions. This being the situation, if the Applicant were genuinely interested they should have represented themselves before the Court at least today. In light of the above, as indicated in the order dated 19 December 2025 this Application stands Dismissed for want of prosecution.

4. In light of the above, pending Interim Applications also will not survive and the same are Disposed of.

5. The learned counsel for the Respondent now submits that there is a connected Civil Revision Application No.454 of 2015. It is against the same impugned order and judgment dated 22 December 2014 passed by the City Civil Court, Greater Mumbai in Short Cause Suit No.2488 of 2012. In light of the above and for the reasons recorded, this Application is also dismissed for want of prosecution.

6. Interim Application, if any, in the above Application do not survive and the same are Disposed of.

(Advait M. Sethna, J)