



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

FIRST APPEAL NO. 140 OF 2013

(Ashok s/o Madhavdas Lawangani Vs. Pradum s/o Hemraj Khursunge and ors)

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

Court's or Judge's orders

CORAM : ABHAY J. MANTRI, J.

DATED : 29-07-2025

On perusal of the record, it is apparent that since 2013, the matter has been pending. It is further evident that by order dated 11.03.2016, this Court has directed the appellants in a bunch of appeals, including this appeal, to file the private paper book within twelve months, failing which costs of Rs. 500/- will have to be paid to the High Court Legal Aid Services, Nagpur. Despite the said order, the appellant failed to comply with the same.

2. It further appears that in spite of the time granted on 15.06.2017, 19.01.2018, 08.06.2018, 05.09.2018 and 26.6.2019, the appellant failed to comply with the order dated 11.03.2016.

3. As the order dated 11.03.2016 has not been complied with, by order dated 18.11.2019, the matter was listed on 16.12.2019 for dismissal order. ***On 16.12.2019, the appeal was dismissed in default for want of prosecution.*** Accordingly, a bill of costs was prepared.

4. Thereafter, by order dated 06.01.2022 on the undertaking of the appellant to file a paper book within two months, the delay in filing the application for setting aside the dismissal order was condoned, and the appeal was restored to its original position. Despite the said order, the appellant failed to file a paper book in time. Again, on 14.03.2022, the Court has suo-moto granted four weeks' time to file a paper book since none appeared for the appellant.

5. After that, none appeared for the parties on 08.06.2022, as such vide order dated 08.06.2022, by way of last chance, two weeks' time was granted to comply with the order dated 06.01.2022, failing which the appeal will be dismissed without further reference to the court. The appellant has not complied with the said order. ***Therefore, for the second time, the appeal was dismissed on 22.06.2022.***

6. Subsequently, by order dated 19.08.2022, the order dated 08.06.2022 was recalled, and the appeal was restored to its original number, and one week's time was granted to file the paper book. Then on 03.04.2024, the matter was listed for non-removal of the office objection, and a conditional order was passed to remove the objection within seven working days, failing which the appeal shall stand dismissed for non-compliance with the same. However, the appellant failed to remove the office objections in time. Then, on 23.07.2025, none appeared for the appellant; hence, the order was passed to list the matter for a “***dismissal order***” on 29.07.2025.

7. Today, on the second call, none appears for the appellant. It seems that the appellant is not interested in prosecuting the matter but playing tactics to protract the proceedings on one or the other ground. Moreover, he has not complied with the orders of this Court twice. Thus, it is evident from the conduct of the appellant that he is not interested in prosecuting the matter, but is trying to keep the matter lingering without any cogent reason to deprive the claimants from getting compensation as awarded by the Tribunal, who needs money; ***hence, the appeal is dismissed for want of prosecution with a cost of Rs. 10,000/-.***

(ABHAY J. MANTRI, J.)