



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

Writ Petition No. 3595 of 2025

[Golhar Industries through its Proprietor Vrunda Dhanraj Golhar and anr.
..vs.. Gurudev Cotton Industries through its partner Shriram Vasudevrao Sakharkar]

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

Court's or Judge's orders

Mr. Abdul Subhan, Advocate for the petitioners

CORAM : ANIL L. PANSARE J.

DATED : 10-07-2025

Heard.

2. The challenge is to order by which the first appellate Court dismissed the application seeking stay to the decree as 'not pressed' by the petitioners – original appellants.

3. Learned counsel for the petitioners – appellants submits that it was never his intentions of not pressing the application for order and despite such status, the first appellate Court has filed the application as not pressed.

4. To my mind, the words “not pressed” used in the order, has been incorrectly understood by the petitioners to contend that they never disclosed their intention of not pressing the application for order. To understand real meaning, it will be better to reproduce the impugned order.

“1. Even today, none present for appellants, when called out repeatedly.

2. Therefore, since the application is not pressed into, stands filed.”

As could be seen, none appeared for the appellant when called repeatedly. The order indicates that on previous date also, none appeared for the appellants. In the circumstances, the first appellate Court opined that the appellants are not

pressing the application and accordingly ordered to file the same. Thus, effectively, the application has been not entertained because the petitioners - appellants did not prosecute the same. I do not find any perversity in the aforesaid order. The petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)

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