



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.238 OF 2024

Indrakumar S/o Hemraj Raahi .Vs. Omprakash S/o Banwarilal Sharma (Deceased)
through LRs

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M. Chandekar, Advocate for respondent Nos.5 and 7.

CORAM : ROHIT W. JOSHI, J.

DATE : 04/12/2025

1. The present appeal was heard on 23.09.2025. This Court has expressed disinclination to entertain the appeal on the ground that it does not involve any substantial question of law. However, the learned Advocate for the appellant sought time to take appropriate instructions regarding withdrawal of the appeal. Accordingly, the matter was posted on 24.09.2025.

2. The learned Advocate for the appellant tendered a Pursis dated 24.09.2025 stating that the appellant had taken back the case papers from him in order to engage another advocate in the matter. The learned Advocate for the appellant has correctly mentioned in the Pursis dated 24.09.2025 that after the appeal was heard on 23.09.2025, this Court had shown disinclination to issue notice in the appeal. The fact that the appellant has taken no objection from the earlier Advocate in order to engage another Advocate indicates that the appellant is aware about

the developments in the matter. Yet, till date, the appellant has not engaged another advocate. By way of abundant caution, Court motion notice was ordered to be issued to the appellant which is returned unserved with an endorsement “noticee door locked”. The conduct of appellant indicates that he avoided to receive the notice. More than two months time has lapsed since the date on which the appellant received back the case papers for engagement of another Advocate and yet he has not engaged another advocate to work out the appeal.

3. In view of the peculiar circumstances, particularly having regard to the fact that that the appellant is fully aware about the developments that had occurred during the course of hearing held on 23.09.2025 that this Court was not inclined to entertain the appeal and having regard to subsequent conduct of the appellant of not engaging another advocate despite obtaining no objection from the earlier advocate, Second Appeal stands **dismissed** for want of prosecution.

(ROHIT W. JOSHI, J.)