

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 720 of 2002****With****R/FIRST APPEAL NO. 721 of 2002**

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GUJ.ELECTRICITY BOARD NOW DAXIN GUJARAT VIJ CO.LTD

Versus

SWARUPSHRI YARN PVT LTD

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Appearance:

MR MD PANDYA(548) for the Appellant(s) No. 1

MS MAYA S DESAI(285) for the Appellant(s) No. 1

NANAVATY ADVOCATES(1373) for the Defendant(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA****Date : 04/10/2022****ORAL ORDER**

1. The cross appeals arise out of the common judgement and decree dated 30.03.2000, whereby Special Civil Suit No.74 of 1992 was decreed in favour of the plaintiffs and defendant-GEB's Special Civil Suit No.37 of 1998 was dismissed with costs.

2. The order sheet reflects that from 21.06.2002 till 24.06.2003, the matter was being adjourned on the ground of settlement. Ultimately, the appeals were admitted vide order dated 29.07.2003. It is further noticed that in the Civil Application (for stay) No.9041 of 2014, which was filed by the defendant-GEB seeking the stay on the impugned judgement and decree and by the order dated 09.02.2018, the said application was rejected.

3. Today, when the matter is taken up for hearing, none has chosen to appear on behalf of the opponent-Swarupshri Yarn Pvt. Ltd., whereas learned advocate Ms.Desai is present for the applicant-GEB.

4. Learned advocate Ms.Desai has submitted that she has no instructions as to whether the settlement is being fructified or not. It is also submitted that the appellant has no instructions whether any execution application is filed by the opponent. It is submitted that despite her best efforts, no instructions are received in the matter and she does not know the status of the impugned judgement and decree, whether it is implemented or not, even after rejection of the civil application for stay.

5. Under the circumstances, it appears that the parties have lost interest in the litigation and hence, both the appeals stand dismissed for non-prosecution. If any restoration application is filed, the same shall contain affidavit of the appellants *inter alia* stating whether the cause of action survives or not.

Sd/-
(A. S. SUPEHIA, J)

NVMEWADA