Order Below Exh.1
(In Regular Civil Appeal No.05/2019)

Present appeal is filed against judgment and decree dt.31/08/2006 passed by Ld. 2nd Jt. Civil Judge Junior Division, Panvel, Tal. Panvel, Dist.-Raigad in R.C.S. No.47/2003 wherein suit is dismissed. Appeal is filed in the year 2006 at District Court Raigad-Alibag and it was numbered as R.C.A. No.255/2006. Later on it is transferred to this Court. There are five Respondents. Notices were issued to Respondents. Respondents have appeared through advocate in the year 2007. Respondent No.1 died thereafter legal heirs of Respondent No.1 were taken on record and they are represented by advocate. As Appellant died his legal heirs are taken on record. Paper book is on record. Record and Proceeding is received. Roznama show that Appellants and their Ld. Advocate are remaining absent therefore, appeal could not be proceeded further. Ld. Advocate Mr. D. N. Joshi who is representing to Appellants have filed no instruction pursis at exh.81 and along with it he has filed postal receipts and copy of letter dt.09/12/2022. Sufficient opportunity is given to Appellants but Appellants have failed to remain present and to proceed in the appeal. It appears that Appellants have lost their interest in the appeal therefore, they are not remaining present. Today, when appeal was repeatedly called upon, Appellants are absent. Hence, appeal is dismissed vide Rule 17 of Order 41 of Code of Civil Procedure, 1908.

Sd/-
(S. C. Shinde)
District Judge-3, Panvel,
Dist.-Raigad

Panvel,
Dated :- 02/02/2023