

MHYA010031242019



Regular Civil Appeal No. 74/2019
Dnyaneshwar -Vs- ICICI Home Finance

ORDER BELOW EXH. 1
(Passed on 23/03/2026)

Perusal of the Roznama shows that today, the matter is fixed for dismissal order. On 21/08/2024, the predecessor of this Court has passed order below Exhibit No.1 and thereby fixed the matter for dismissal order, as the appellant and his counsel were absent. Thereafter, on 28/10/2025, in order to give opportunity, this court has directed the appellants and their Advocate to argue the matter. However, in spite of this order, the appellants and their Advocate are absent and therefore, on 05/11/2025 and 07/02/2026, this court has passed order below Exhibit No. 1 and thereby again fixed the present appeal for dismissal order. Thereafter also the appellants and their Advocate are absent. Today also, they are absent though called repeatedly till 5.40 .p.m.. However, the learned counsel Shri M. R. Oswal appearing for respondent No.1 is present and he has submitted that no stay is operating in the present matter. Considering all these aspects, it is very clear that absence of the appellants shows that the appellants are not willing to proceed with the appeal further and argue the matter. Apart from this, the case is **more than 5 years old** and the Hon'ble High Court has, time to time, directed the trial Courts to dispose of the old cases at the earliest. However, in the present case, the appellants are absent since long and because of their absence, the hearing of the old case is held up. Similarly, absence of the appellants shows that the appellants have lost the interest in the appeal and as such not remaining present. Hence, considering all the above referred aspects, the present appeal deserves to be dismissed in default. In the result, I pass the following order :-

::ORDER::

The appeal is dismissed in default.

Date:-23/03/2026

(P. S. Ingle)
Ad-hoc District Judge-1, Yavatmal.

CERTIFICATE

"I affirm that, the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Judgment/Order.

Name of the Stenographer	Smt. D.S. Kurzadkar/Kolhe Stenographer Grade-I
Name of the Court	Ad-hoc District Judge-1, Yavatmal
Date of Signature of Presiding Officer	23/03/2026.
Date of Judgment Uploaded	23/03/2026.

Date : 23/03/2026
Yavatmal.

(D. S. Kolhe)
Stenographer Grade-I,
Ad-hoc District Judge-1, Yavatmal.