

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 531 of 1986****With****R/FIRST APPEAL NO. 1093 of 1987****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2009****In R/FIRST APPEAL NO. 1093 of 1987**

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HOUSE OF DUBARY & 3 other(s)

Versus

THE OFFICER LIQUIDATOR OF HANSPA KNIT (P) LTD., & 7
other(s)

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Appearance:

ABATED for the Appellant(s) No. 2

MR C B UPADHYAYA(3508) for the Appellant(s) No. 3,4

MR ND NANAVATI(507) for the Appellant(s) No. 1

MR ABHIJIT P JOSHI(1330) for the Defendant(s) No. 1

MR PRANAV G DESAI(290) for the Defendant(s) No. 6

MR SH SANJANWALA(729) for the Defendant(s) No. 7

MS PJ DAVAWALA(240) for the Defendant(s) No. 1

NOTICE NOT RECD BACK for the Defendant(s) No. 2,3

NOTICE SERVED for the Defendant(s) No. 4,5,8

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CORAM: **HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND
KUMAR**

and

HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI**Date : 06/06/2022****COMMON ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND KUMAR)**

1. This matter was being heard regularly and after hearing Mr.C.B.Upadhyaya, learned counsel appearing in First Appeal No.531 of 1986 for appellants on 04.05.2022, we had passed the following order :

"2. We make it clear that no further adjournment/ accommodation would be granted since the suit is of the year 1979 and the appeal

is of the year 1986/1987, which has been languishing before this Court for the past 35 years. As such, we are of the considered view that the appeal has to be disposed of expeditiously and arguments are being heard from 9.4.2022 till date and as such, grant of any further time in this matter would only be a mockery of the justice. As such, we refuse to entertain any request from either of the parties for grant of adjournment."

2. Having passed the aforesaid order, the matter was again taken up for hearing on 04.05.2022 and the matter was heard and adjourned to 05.05.2022. Knowing fully well that it is a part-heard matter and it was specifically ordered to be taken up on that day and the list/board having been notified the previous day, yet the counsels appearing for the appellants in First Appeal No.531 of 1986 namely Mr.C.B.Upadhyaya and Mr.Kirtan Mistri had remained absent. Hence, we passed the following order :

"2. Learned counsel for the appellant in First Appeal No. 1093 of 1987 who is also counsel representing respondent Nos. 2 and 3 in First Appeal No. 531 of 1986 Mr. Abhijeet Joshi is present. Mr. C.B. Upadhyaya and Mr. Kirtan Mistri, learned advocates who had appeared and argued the matter and had sought time yesterday, which was declined, have remained

absent.

3. In spite of making it very clear yesterday that no further adjournment would be granted, learned advocates namely Mr. C.B. Upadhyaya and Mr. Kirtan Mistry have remained absent which conduct requires to be highly deprecated and we do so and direct these matters to be listed on the re-opening day i.e. on 06.06.2022."

3. Resultantly, we adjourned the matter to today. Today though there was one more part-heard matter for final hearing, First Appeal No.3517 of 2000 and connected matters, yet we have given precedence for these two appeals as it is old matter and accordingly, during the post lunch session, these appeals have been heard from 2:35 p.m. to 4:44 p.m. Since the learned counsel appearing for the appellants in First Appeal No.531 of 1986 has not concluded the arguments, a specific question was posed as to still how much time was required to conclude the arguments. Mr.C.B.Upadhyaya, learned counsel appearing for the appellants has submitted that he requires still two more days which we are not inclined to grant inasmuch as the mere reading of the judgment, paragraph after paragraph would not suffice and the argument has to be concise, precise and in

support of the grounds urged in the appeal memorandum.

4. Hence, making it explicitly clear that the oral argument if any has to be concluded on or before 07.06.2022 and also making it clear that post lunch session from 2.30 p.m. to 4.30 p.m. tomorrow would be exclusively reserved for Shri C.B.Upadhyaya to advance his arguments and in the event of oral arguments are not being concluded, liberty is granted to file written synopsis. We adjourn these matters to 07.06.2022 for further hearing.

(ARAVIND KUMAR, CJ)

(ASHUTOSH J. SHASTRI, J)

GAURAV J THAKER