

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1775 of 2017****With****CIVIL APPLICATION (FOR VACATING STAY) NO. 2 of 2020****In R/FIRST APPEAL NO. 1775 of 2017**

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SAWAISINH DEVISINGH CHAUHAN

Versus

YASHWANTSINH MAHANSINH RATHOD

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Appearance:

MR P J YAGNIK(1004) for the Appellant(s) No. 1

MR.D K.PUJ(3836) for the Defendant(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA****Date : 23/08/2022****ORAL ORDER**

1. On 21.07.2022, this Court has passed the following order:

"When the matter is called out, Mr. P.J.Yagnik, learned advocate appearing for the appellant is not present. Mr. D.K.Puj, learned advocate appearing for the respondent No. 1 is present.

However, in the interest of justice, this matter is adjourned to 28.7.2022.

It is made clear that if the learned advocate appearing for the appellant will not proceed with the matter on the next date of hearing, the matter will be dismissed for non-prosecution."

2. It was clarified that if the learned advocate for the appellant does not proceed with the matter on the next date of hearing, the matter will be dismissed for non-prosecution. Today, when the matter is taken up for hearing, learned advocate Mr.Puj is present however, learned

advocate Mr.Yagnik has chosen not to remain present before this Court.

3. Under the circumstances, the matter stands dismissed for non-prosecution. Interim relief, if any, stands vacated. If any restoration application is filed, the same shall contain an affidavit of the appellant *inter alia* explaining as to whether the cause of action survives or not.

4. Accordingly, the connected civil application will not survive hence, the same stands disposed of.

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

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