



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5113 OF 2001

Devishankar Mishra ... Petitioner
Vs.
Chotelal Bansi Prajapati & Ors. ... Respondents

.....
Mr. Asit Singh I/b. Mr. Sunil Singh for the petitioner.
Mr. Akash Rebello a/w Mr. Mahesh Mishra for Respondent No.1.
.....

CORAM : M. S. KARNIK, J.

DATE : 5th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner states that he has intimated the petitioner about the order dated 23.4.2019 passed by this Court. He states that he tried to contact the petitioner but there has been no response. Learned counsel for respondent No. 1 invited my attention to Clause 5 of the order dated 23.4.2019 passed by this Court. He submits that it is not the petitioner but someone else who is in possession of the suit premises. This according to him is in clear breach of the order dated 23.4.2019 passed by this Court.



3. The communication dated 3.6.2019 addressed by the advocate for the petitioner to the petitioner is taken on record and marked as 'X' for identification.

4. As the petitioner is not responding to the advocate appearing on his behalf, learned counsel for the petitioner seeks discharge. At his request Shri Sunil Singh is discharged from appearing.

5. It appears that the petitioner is not interested in prosecuting the petition which was filed in the year 2001.

6. Liberty to respondent No.1 to initiate appropriate decision on breach of order dated 23.4.2019 is kept open.

7. The petition is dismissed for non prosecution.

(M. S. KARNIK, J.)