

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO. 1862 OF 2002

Shri Ram Salve Pro. Of Ganesh Container ...Plaintiff
Movers Syndicate

Versus

M/s. Mitsui O. S. K. Lines Ltd. & Ors. ...Defendants

Mr. Zubin Behramkamdin a/w Mrs. Rashna Khan a/w Ms.
Poorva Garg i/by Mulla and Mulla & Craigie Blunt and Caroe -
Advocate for the defendant nos. 1 and 2.

Ms. Sonal i/by K. K. Sonawane - Advocate for the Plaintiff.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 23rd JULY, 2021.

P.C. :

On 13th March 2020, this Court observed thus:

“I think enough indulgence has been shown to the Advocates for the Plaintiff to argue this Suit and which is pending in this Court for the last 18 years. In these circumstances, list the Suit for arguments on 19.03.2020 on the ‘Supplementary Board’. It is made clear that if the Plaintiff is not ready to argue the matter on the said date, the suit shall be dismissed for want of prosecution.”

2. Now, the learned counsel for the defendants has submitted that since 2016, the suit has been ready for arguments. According to him, the plaintiff has been dragging the

matter. So he wants the matter heard and disposed of forthwith.

3. On the other hand, Ms. Sonal, the learned counsel for the plaintiff, submits that she needs at least two weeks. At any rate, she has submitted that the plaintiff has not led evidence comprehensively. Now, he has realized that and gathered sufficient material to establish his case. On that count, the plaintiff wants, according to Ms. Sonal, time to apply for the Court's leave to file additional documents and lead evidence, too. Thus, she insists that the plaintiff be given two weeks.

4. As the above-extracted docket observation, dt.13.03.2020, reveals, this Court is not prepared to grant any more time. In fact, over a year ago, this Court observed that for the plaintiff's failure to get on with the matter by next adjournment, the suit would be dismissed for non-prosecution.

Under these circumstances, post the matter on 29.07.2021, for arguments. As both the learned counsel desire to submit their arguments physically, they may appear in the Court on 29.07.2021 at 2.30 p.m.

[DAMA SESHADRI NAIDU, J.]