

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION  
WRIT PETITION NO. 5182 OF 1996  
WITH  
CIVIL APPLICATION 1338 OF 2003  
IN  
WRIT PETITION NO. 5182 OF 1996  
WITH  
CIVIL APPLICATION 1339 OF 2003  
IN  
WRIT PETITION NO. 5182 OF 1996  
WITH  
CIVIL APPLICATION 3000 OF 2013  
IN  
WRIT PETITION NO. 5182 OF 1996  
WITH  
CIVIL APPLICATION 2999 OF 2013  
IN  
WRIT PETITION NO. 5182 OF 1996  
WITH  
CIVIL APPLICATION 1293 OF 2016  
IN  
WRIT PETITION NO. 5182 OF 1996

Laxmibai w/o Keshav J. Pendurkar and Ors

.....Petitioners

V/s.

Ushabai w/o Vasant R. Kandalgaonkar  
(Since deceased) through her heirs

....Respondents

Mr. A. Khandeparkar Advocate for the petitioner.  
Mr. Sangramsingh Yadav i/b Mr. Ganesh Mirashigaonkar  
Advocate for Respondent 1 (A) (I) to 1 A (III)

**CORAM : G. S. KULKARNI, J.**

**DATED : JULY 19, 2017.**

**PC :**

1) This petition is appearing on the final hearing list for quite sometime. It was called out for final hearing on 18/07/2017 when none appeared for the Petitioner. The Court had passed following order.

*“1 None appears for the Petitioners. Mr. Yadav, appears for the Respondent Nos. 1A (i) to 1A (iii).*

*2 Let the petition retain its position, to be called out for final hearing tomorrow i.e. 19th July, 2017, to grant one more opportunity to the petitioners to appear in this petition. If on the adjourned date of hearing, the petitioners are not represented, then the Court will be constrained to pass appropriate orders including dismissal of the petition for want of prosecution.”*

2) Today again, when the matter is called out, none appears for the petitioner. It appears that the petitioners have lost interest in prosecuting this petition.

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3) Hence, petition is accordingly dismissed for non prosecution.

**(G. S. KULKARNI, J.)**

4) Later on Mr. Khandeparkar appears for the petitioners and he states that he was held up before another Court and he prays that the order dismissing the petition be recalled. The reason preventing Mr. Khandeparkar not appearing when the petition was called out is required to be accepted. The above order dismissing the petition for non prosecution is set aside. Petition is restored to file of this Court. At the joint request of the learned counsel for the parties, petition be listed for final hearing in the week commencing from 07/08/2017 with the understanding that no request for adjournment on behalf of the parties would be entertained on the next occasion.

**(G. S. KULKARNI, J.)**