

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 311 of 1980

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

GORDHANBHAI MOTIBHAI PARMAR

Versus

PARMAR DAHYABHAI MOTIBHAI

Appearance:

1. First Appeal No. 311 of 1980
NOTICE SERVED for Petitioner No. 1
UNSERVED-EXPIRED (N) for Petitioner No. 2
MR MC SHAH for Respondent No. 1-2
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CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 29/08/2003

ORAL JUDGEMENT

Learned advocate Mr. M.C. Shah is appearing for

the respondents in this matter. In this matter, initially, learned advocate Mr.G.C. Patel was appearing for the appellant who expired in the year 1987. Notices were, therefore, issued by this court to the appellant and the record shows that such notices issued by this court have been served upon the appellant no.1 on 6th October, 1990. From the record, it also appears that the appellant No. 2 Jibaben Motibhai has expired before about five years. There is endorsement of the bailiff to that effect. The matter has appeared thereafter on the board but the appellant no.1 has failed to take any care inspite of service of notice for engaging another advocate in view of the death of the advocate engaged by the appellant. This Court has waited for a period of about 12 years for enabling the appellant no. 1 to take appropriate steps in the matter after the demise of his advocate and now there is no need to wait for any further period. However, in view of the request made by the learned advocate Mr. B.G. Patel son of the learned advocate Shri G.C. Patel who had personally remained present before this court on 15.7.2003, as a last opportunity, this petition was adjourned to 25.7.2003 but thereafter also, the appellant has failed to engage any advocate for representing his case before this court and has also failed to appear before this court in person. Thus, from the conduct of the appellant, it appears that he might have lost interest in the matter. Such an old matter of the year 1980 cannot be allowed to remain pending. Therefore, after waiting for about 12 years as stated above, now this matter is required to be disposed of.

In the result, this appeal is dismissed on the aforesaid ground alone. There shall be no order as to costs.

Dt.29.8.2003. (H.K. Rathod,J.)

Vyas