

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

SUIT NO.1069 OF 2001

Klen and Marshalls MFRS and Exporters Ltd.Plaintiff
versus
Bank of Tokyo Mitsubishi Ltd.Defendant

Mr.Durgesh Khanapure i/by India Law Alliance, for the Plaintiff.
Ms.Sowmya Srikrishna a/w Mr.Arun Siwalh, Ms.Parul Kumar i/by
Amarchand & Mangaldas and Suresh A. Shroff and Co., for the Defendant.

CORAM: S.J.KATHAWALLA, J.

DATE: 25th JANUARY 2012

PC. :

1. By an Order dated 26th September 2011, issues were framed in the above Suit and the Plaintiffs were directed to file Affidavit of Evidence and Affidavit of Documents on or before 10th October 2011. Since the Plaintiffs failed to comply with the said directions given, on 11th October 2011, the following Order was passed :

“Parties have not complied with the order passed by this Court dated 26th September, 2011 till date. This calls for immediate dismissal of the Suit. However, as a last chance and only by way of indulgence, parties are directed to comply with the order dated 26th September, 2011 on or before 8th November, 2011, failing which the Suit will be dismissed.

2. Stand over to 8th November, for directions.

2. Today, when the matter was called out for directions, the Learned Advocate appearing for the Plaintiffs informed the Court that the

plaintiffs are not responding to his request for instructions in the matter. In view thereof, it is clear that the Plaintiffs are not interested in pursuing the Suit. The Suit is therefore, dismissed for want of prosecution.

(S.J.KATHAWALLA, J.)