

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3528 OF 2002

Khurshid Begum Nazir.] ... Petitioner

Versus

Nasir Mohamed Khan / Naik.] ... Respondent

None present.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 02, 2015

P. C. :-

1. This petition was admitted on 02/07/2002. There is a noting that notices served upon the respondent were returned unserved. Thereafter, there is noting that on 06/08/2013, four weeks time was granted to the petitioner to take steps but noting dated 30/08/2013 records that no steps have been taken. On 04/09/2013, the Registrar (Judicial-I) has made an order that in case steps are not taken within four weeks, the writ petition shall stand dismissed. Thereafter, there is a noting on 27/11/2015 that no steps have been taken in the matter. In these circumstances, there is no option but to dismiss this writ petition for non-prosecution.

2. However, it is made clear that dismissal of this petition shall not preclude the petitioner from applying to the Judicial Magistrate under Sections 125 and 127 of the Code of Criminal Procedure for seeking an enhancement in the maintenance amount considering, *inter alia*, the lapse of time.

(M. S. SONAK, J.)