

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9381 OF 2010

Rajkumari Sushil Kumar Jalan ... Petitioner
Vs.
Mumbai Municipal Corporation of Greater Bombay
and others ... Respondent

Mr. Bharat Joshi for Petitioner.
Mr. Vinod Mahadik for Respondent No.1-BMC.

CORAM : R. G. KETKAR, J.
DATE : APRIL 18, 2016

P.C. :

Heard Mr. Joshi, learned Counsel for petitioner and Mr. Mahadik, learned Counsel for respondent No.1-BMC at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged - (i) judgment and order dated 09.04.2010 in Chamber Summons No.19 of 2010, (ii) judgment and order dated 30.07.2010 in Notice of Motion No.1643 of 2002 and (iii) judgment and order dated 11.08.2010 below exhibit-23 in Long Cause Suit No.1678 of 2002. By order dated 09.04.2010, the learned trial Judge dismissed the Chamber Summons taken out by the petitioner, hereinafter referred to as plaintiff, seeking permission to produce certified copies of the consent terms filed in Writ Petition No.1756 of 1993 instituted on the Original Side of this Court. By order dated 30.07.2010, the learned trial Judge dismissed the Motion taken out by the petitioner for recalling the witness. By order dated 11.08.2010, the learned trial Judge rejected the application made by the plaintiff for leading additional evidence.

3. By order dated 24.03.2011, notice for final disposal of the Petition was made and ad-interim relief in terms of prayer clause (b) was

granted. Perusal of the order dated 09.04.2010 shows that Chamber Summons No.19 of 2010 was opposed by defendants No.4 to 6 by filing reply dated 30.03.2010. Perusal of the cause title of the Petition shows that vide order dated 19.01.2012, respondents No.5, 8, 16 and 20 were deleted. Vide order dated 06.09.2012, respondents No.7, 9, 11,17 to 19, 24, 25, 27 to 29, 31, 33, 35 and 36 were deleted. As the contesting respondents, who are defendants are deleted from the present proceedings, no relief can be considered and granted in favour of the petitioner. Hence, Petition is dismissed for not taking steps against the contesting respondents. Order accordingly.

(R. G. KETKAR, J.)

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