

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4293 OF 2015

Nandlal Balkrishan Sahjwani	.. Petitioner
v/s.	
State of Maharashtra & Ors.	.. Respondents

WRIT PETITION NO. 4090 OF 2015

Ghanshyam Saligram Khanna	.. Petitioner
v/s.	
Court Receiver, High Court, Bombay & Ors.	.. Respondents

Mr. Mahesh D. Pol for the petitioner
Mr. A.R. Metkari, AGP for respondent no.1
None for the petitioner in person in WP-4090/15

CORAM : M.S. SANKLECHA, J.

DATED : 28th AUGUST, 2017

P.C.

1. In Writ Petition No.4090 of 2015, the petitioner appears in person. The petitioner was not present on 16th August, 2016 and the petition was adjourned *inter alia* recording the fact that in the absence of obtaining leave from the Committee constituted by the Court, the petitioner cannot proceed with his petition in person. There is nothing to indicate that any such leave has been obtained by the petitioner from the Committee. Today, neither the petitioner appears in person nor any Counsel appears on his behalf for the

hearing. It appears that the petitioner is not interested in prosecuting the this petition.

2. Thus, Petition No.4090 of 2015 is dismissed for non prosecution.

3. The Writ Petition No.4293 of 2016 challenges the order dated 6th January, 2015 of the City Civil Court at Mumbai. The impugned order is passed on the Court Receiver's Report dated 16th September, 2013. The facts as recorded in the Court Receiver's Report dated 16th September, 2013 is undisputed both by the plaintiffs and the defendants. This infact is so recorded by the trial Court in para 7 of the impugned order. The payment of electric charges, wages etc. by the Court Receiver is also not disputed. The arrears of Municipal Taxes is also admitted. In the above facts, the impugned order records the fact that the parties to the suit will contribute to making the payment of BMC taxes and other expenses in accordance with their share in the suit property.

4. Mr. Pol, learned Counsel appearing for the petitioner refers to

certain facts, which have admittedly happened post the impugned order and challenge to the same. Mr. Pol, states that in respect of the subsequent events appropriate applications have been taken out before the City Civil Court. It would be open to the petitioner to seek appropriate reliefs on account of subsequent events in respect of which Notice of Motion has been taken out. The subsequent events by itself cannot vitiate the impugned order dated 16th January, 2015 so as to exercise my supervisory jurisdiction under Article 227 of the Constitution of India. In the above view, the petition is dismissed.

5. Accordingly, both the petitions are dismissed. No order as to costs.

(M.S. SANKLECHA, J.)