

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9761 OF 2016

Prabha Prakash Shenai ...Petitioner
vs.
Principal Judge, City Civil
and Sessions Court, Mumbai ...Respondent

Dr.Prakash R. Shenai constituted attorney of the
Petitioner present
Ms Aparna Vhatkar, AGP for the respondent

CORAM : A.S.OKA, &
A.K.MENON, JJ.
DATE : APRIL 25, 2017

P.C.:

1 Heard the Constituted Attorney of the petitioner. The first prayer is for a writ of mandamus directing the learned Judge of the City Civil and Sessions Court to decide the three pending suits by 31st October 2017. The second prayer is in the alternative for directing the learned Judge of the City Civil and Sessions Court to order the defendants to pay penalty at the rate of Rs.5000/- per week for every adjournment. Another grievance is that though the learned Principal Judge had directed that the suits should be disposed of expeditiously, the same are not being disposed of expeditiously.

2 Few years back, about 36000 Original Side suits were transferred by this Court to the City

Civil and Sessions Court. A judicial notice will have to be taken of the fact that there is a huge pendency of both civil and criminal matters in the City Civil and Sessions Court. Therefore, by exercising jurisdiction of this Court under Article 226 of the Constitution of India, we are unable to fix any time bound schedule to dispose of the subject suits. The priority is claimed on the ground that the petitioner is a senior citizen. We cannot ignore that there are large number of suits and criminal proceedings pending in the City Civil and Sessions Court where the litigants are senior citizens.

3 We are sure that considering the directions issued by the learned Principal Judge and considering the fact that the petitioner is a senior citizen, pending suits will be decided expeditiously.

4 Subject to what is observed above, writ petition is disposed of.

(A.K.MENON,J.)

(A.S.OKA,J.)