

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

WRIT PETITION NO.10183 OF 2016

Dr. Manjuladevi Mistry & Ors.	.. Petitioners.
Vs.	
Subhadra S. Mistry & Ors.	.. Respondents.

Mr.Santanu S. Kakkar i/b RMG Law Associates for the Petitioners.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 7TH APRIL, 2017

P.C.

1. The only prayer made in the petition under article 226 of the Constitution of India is for directing the Bombay City Civil Court to hear and dispose of a pending suit of the year 2001 in a time bound manner.

2. A judicial notice will have to be taken of the fact that about 36,000 suits pending in this Court were transferred to the Bombay City Civil Court few years back. Moreover, the Bombay City Civil Court has huge pendency of civil as well as criminal matters.

3. Therefore, it is for the learned Judge to whom the suit is assigned to decide if out of turn priority deserves to be given to the disposal of the suit. It is, therefore, for the petitioner to apply before the learned Judge to whom the suit is assigned praying for

giving out of turn priority for disposing of the suit. If such an application is made, the learned Judge after taking into consideration the nature of matters assigned to him will pass the appropriate order in accordance with law.

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

(A.K. MENON, J.)

(A.S. OKA, J.)