

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

**WRIT PETITION NO. 11328 OF 2013  
WITH  
CIVIL APPLICATION NO. 2922 OF 2013**

Smt. Sarita Niranjana Nandani. ... Petitioner.  
Versus  
Mr. Mahesh Girilal Nandani & anr. ... Respondents.  
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None for petitioner.

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**CORAM : SMT.SADHANA S. JADHAV,J  
DATE : NOVEMBER 27, 2017**

**P.C.:**

1 None present for the Petitioner. The learned Counsel for the petitioner had not taken steps to serve upon the respondent No. 2. The office note shows that the respondent No. 1 is duly served. However, the Petition stands dismissed against the respondent No. 2 as per the Registrar Judicial-I's Order dated 6/6/2016.

2 The Petition is filed on 25/11/2013 challenging the order dated 25/7/2013. The proceedings were stayed by an order dated 4/12/2013. Special Civil Suit is pending before the Bombay City Civil Court for the last 10 years at the stage of filing of written statement.

No W.S. Order was passed. The Petitioner had filed an application seeking the relief of setting aside the order of “no W.S.” and praying for condonation without assigning any reason. The delay is of 3 years and 135 days. The only reason assigned was that it was unintentional and inadvertence.

3 It appears that the Petitioner is not interested in proceeding with the matter. Writ Petition stands dismissed for non-prosecution. Needless to say that the interim relief granted vide order dated 4/12/2013 is vacated. The learned City Civil Court at Bombay Boriwali Division seized with Suit No. 1643 of 2008 is hereby directed to proceed with the suit. Office to communicate this order to the concerned court forthwith. The Petition stands disposed of accordingly.

4 In view of disposal of the Writ Petition, nothing survives in the Civil Application. The same is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**