

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.14035 of 2010

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the first respondent in passing order dated 08.12.2009 in Civil Miscellaneous Appeal No.5 of 2006, as arbitrary, illegal and contrary to provisions of Sections 52, 53 and 55 of the A.P.H.B. Act, 1956, and consequently, to set aside the same.

2. Grievance of the petitioner is mainly against the 2nd respondent, who committed default in payment of the instalments to the housing board i.e., petitioner herein.

3. A perusal of the docket proceedings would show the present writ petition came to be dismissed for default against the 2nd respondent, who is a contesting respondent, as the petitioner failed to take steps for effecting service of notice on the 2nd respondent, as per the order of this Court dated 27.09.2013. Since the main writ petition itself is dismissed against the contesting respondent in the year, 2013, and as no steps were taken to get the same restored, nothing survives for adjudication in this writ petition, at this point of time.

3. Accordingly, the Writ Petition is dismissed as infructuous.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:12.09.2017
INL

