

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13690 OF 2016

...
Mr. Farooque Ahmed Anwar Raza MominPetitioner
V/S
Mrs. Khatoonbi Anwar Raza Momin & Ors.Respondents
...

Mr. Daru S. Chandnani for the Petitioner.
Mr. Raju D. Suryawanshi for Respondent Nos.1 to 4, 6 to 8 and 10 to 12.
...

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE : 4 FEBRUARY 2019

ORDER:

1 The prayer clause (a) of the Petition reads as follows:

“(a) call for the papers and proceedings pertaining to Special Civil Suit No.563 of 2010 pending in the Court of the learned Civil Judge (S.D.) Link Court Bhiwandi and after perusing the same this honorable court in exercise of its inherent powers under Article 226 and 227 of the Constitution of India read with section 151 of Code of Civil Procedure, this honourable court may be pleased to dismiss the said suit with exemplary costs if being contrary to law and pendency of the same would be defiance of judicial system;”

2 The Writ Petition which seeks a mandatory order of dismissal of a pending Suit would not be maintainable. In any event, we decline to

exercise the extraordinary writ jurisdiction of this Court to grant such a relief.

3. The Petition is dismissed. It will be open for the Petitioner to adopt appropriate remedies available to him in law, if so advised.

(RIYAZ I. CHAGLA, J.)

(A.A. SAYED, J.)

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