

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1161 OF 1987

Bombay Misc. (P) Ltd.

..Petitioner

Vs.

The Municipal Corporation of Greater
Bombay & Ors.

..Respondents

Mr.Dhaval Patil i/b. M/s.K. Ashar & Co. for Petitioner.
Ms.Pooja Yadav for MCGM.

CORAM : G.S. KULKARNI, J.

DATE : 4th JANUARY, 2019

P.C.:

This is a writ petition of the year 1987. As the papers were not traceable, by an order dated 20 January 2016, hearing of this petition was adjourned to 24 February 2016. This Court had directed that in case the petitioners do not submit the necessary case papers and records necessary for the purpose of reconstruction of the file, it will be presumed that the petitioners are no longer interested in pursuing this petition and that the Court would consider for making appropriate orders on the adjourned date, including orders for dismissal of this petition for non-prosecution. Thereafter again this petition was listed on 24 February 2016 and at the request of the petitioner, further time was granted to reconstruct the papers in terms of the earlier order.

Thereafter again on 16 December 2016 at the request of learned Counsel for the petitioner, further time of eight weeks was granted.

2. From the record it appears that the matter was thereafter placed before the Master and Assistant Prothonotary (Judicial) for the purpose of reconstruction. Again time was sought on behalf of the petitioner which can be seen from the minutes of the meeting held on 9 January 2017.

3. On 23 January 2017 Master and Assistant Prothonotary (Judicial) recorded a submission as made on behalf of the petitioner that learned Counsel for the petitioner has called for papers from his client/petitioner and sought further time. Again on 13 February 2017, 6 March 2017, 29 March 2017 and 30 July 2018, the matter was adjourned on the ground that learned Counsel for the petitioner has not received the papers from his client.

4. Thereafter again at the request of the petitioner, the matter was taken up by the Master & Assistant Prothonotary (Judicial) on 27 August 2018, 24 September 2018 and 3 December 2018 and this is how the matter stands today.

5. In the above circumstances, there is no alternative but to follow the mandate of the order dated 20 January 2016 as passed by this Court. It clearly appears that the petitioner is not interested to prosecute the petition which is already pending for about 31 years. Accordingly, dismissed for non prosecution.

[G.S. KULKARNI, J.]