

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10513 OF 2015

Shubhangi Meghshyam Mhadnak ... Petitioner
V/s.
Shankarhari Posam and Anr. ... Respondents

None for the petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATED : DECEMBER 23, 2022.

P.C. :

. By this Court's order dated 25th November 2022, it has been noted that none has been appearing for the petitioner since the first date of listing. The order further records that if none appears on the next occasion, the petition would be dismissed without further reference to the Court. Even today none appears for the petitioner.

2. The Petition impugns an order rejecting an application seeking appointment of Commissioner for measuring a suit property. The impugned order has passed way back on 10/06/2015 in Regular Civil Suit No. 14 of 2013 before the Civil Judge, Junior Division at Devgad.

3. Nine years have elapsed since filing of the suit and 7 years have elapsed since filing of this petition and none has appeared before the Court, it appears that the petitioner is not interest to pursue the matter. After checking the CIS of Regular Civil Suit No. 14 of 2013, it appears that the suit has been dismissed under Order IX Rule 3 of Civil Procedure Code for non-prosecution, by the Civil Judge, Junior Division at Devgad as nothing survives in the present petition, since the subject matter of the petition does not survive.

4. In view of the dismissal of Regular Civil Suit No. 14 of 2013, the petition is dismissed for non -prosecution.

(VALMIKI SA MENEZES, J)