IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5277 OF 2017

Akhtar Hasan Rizvi ....Petitioner
V/S
The Municipal Corporation
of Greater Mumbai and Anr. ....Respondent

None *for the Petitioner.*
Mr. Santosh Parad *for Respondent/MCGM.*

CORAM : SANDEEP V. MARNE, J.
DATE : 24 DECEMBER 2025.

P.C.:

1. None appears for the Petitioner. On 20 September 2017, this Court was passed following order:

> Moved for urgent reliefs.
>
> This Petition challenges the order dated 24th August, 2015 passed by the City Civil Court at Bombay. By the impugned order, the Petitioner's application for rejection of the plaint on the ground that the cause of action does not survive, was dismissed.
>
> 2 The application under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of the plaint was made as the entire dispute stands settled.
>
> 3 The impugned order records that there are still some disputes with regard to the principal and interest payable. Therefore, the suit cannot be dismissed at this juncture as it would require taking in evidence. The view taken by the impugned order is a possible view in the present facts. Thus, *prima facie*, no interference with the impugned order is called for. In the above view, application for ad-interim relief is rejected.
>
> 4 **Petition** to come up on the next CMIS date i.e. **16th March, 2018**."

2. It appears that by the impugned order the Trial Court has rejected the Application seeking dismissal of the Suit on the ground of

demand of the Plaintiff being met. The Trial Court has recorded a finding that the Suit could not be dismissed since some amount was still due and payable. The Petition has not been moved after 20 September 2017 even once. It appears that Petitioner has lost interest in prosecuting the Petition.

3. Writ Petition is dismissed for want of prosecution.

(SANDEEP V. MARNE, J.)

SUDARSHAN RAJALINGAM KATKAM
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Date: 2025.12.24 21:25:00 +0530