



ORDER BELOW EXH.1.
(CNR No.MHWS110010982025)
Shaheen Bano Ziyaullah Khan Through Special
Power of Attorney Holder Firoz Khan Vs. Asrar
Ahmad Haji Shaikh Gulam @ Haji Gulab

Perused record of the matter. On perusal of the same, it appears that plaintiff has filed present suit for specific performance of contract and perpetual injunction. It further appears that issues came to be framed in the present suit on 23/06/2022 at **Exh.36**. Thereafter, present suit was came to be fixed for evidence of plaintiff. It appears from the record that the plaintiff had not filed her evidence affidavit for a long period of time. However, the plaintiff has finally filed her evidence affidavit at **Exh.41** on 28/10/2025 after a long period of more than three years. Thereafter, plaintiff is not remaining present in the Court to record her further examination-in-chief. Today also plaintiff is absent when called out repeatedly. No application is filed on record for adjournment. Moreover, on 11/03/2026, order below Exh.1 was passed thereby keeping the matter for dismissal order for want of prosecution. It appears from record that the plaintiff is not interested in the matter and she has lost her interest. It is pertinent to note here that the present matter being more than 5 years old, the Hon'ble Bombay High Court has directed to dispose of old cases as early as possible. In such circumstance, no purpose would be served by keeping the matter on board without any progress. As such, in view of ratio laid down by the Hon'ble Supreme Court

in the cases of *Gayatri Vs. M. Girish, (2016) 14 SCC 142* and *Ishwarlal Mali Rathod Vs. Gopal and others, SLP (Civil) Nos.14117-14118/2021, Decided on 20/09/2021*, I think it just and proper to pass following order :-

ORDER

- 1] Suit is dismissed in default for want of prosecution.
- 2] Proceedings is closed.

Date - 01/04/2026.

(S. W. Thombre)
Civil Judge, (Sr.Dn.),
Karanja (Lad).

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Karanja.
- 3) Date :- 01/04/2026
- 4) Order signed by the
presiding officer on :- 01/04/2026
- 5) Order uploaded on :- 01/04/2026