ITEM NO.11 Court 6 (Video Conferencing) SECTION IX

SUPREME COURT OF INDIA **RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 2575/2022

(Arising out of impugned final judgment and order dated 03-01-2022 in WP No. 3323/2019 passed by the High Court Of Judicature At Bombay)

NALINI MAHENDRA SHAH

Petitioner(s)

VERSUS

SHEETAL D. SHAH & ANR.

Respondent(s)

(IA No.23796/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.23797/2022-EXEMPTION FROM FILING O.T. and IA No.23798/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date: 28-02-2022 This petition was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Malavika Rajkotia, Adv. Mr. Amarjeet Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following ORDER

Multifarious proceedings initiated by the daughter-in-law of the petitioner are not receiving a quietus and the petitioner is feeling disturbed in living at her own residence, her husband having passed away in the meantime though he was party to the original proceedings.

The writ petition filed by the petitioner is

pending before the Bombay High Court in which notice is stated to have been issued and the Supreme Court also transferred the matters to the High Court on 13.07.2020.

In short, the grievance of the petitioner is that at the age of 79 she is unable to keep on facing adjournments. 0n 15 occasions, the daughter-in-law has managed an adjournment before the High Court while she continues to reside in the property of the petitioner and the relationship is such that the petitioner continues to feel threatened.

We find problematic to examine what kind of direction we issue to the High Court. The High Court is a Constitutional Court. It is the duty of the High Court to see that matters are taken up and 15 adjournments can by no stretch of said constitute а imagination to reasonable indulgence to the parties. Normally, on a mere adjournment, we would loath to interfere but the number of adjournments granted require us to say something. We expect the High Court on the next date of hearing to bestow consideration on the matter and not permit any adjournment as a remedy be made infructuous especially when the cannot Supreme Court itself has transferred the matters to the High Court with the objective of an expeditious disposal. We say no more but we think we have said enough.

The Special Leave Petition is disposed of.

Pending applications stand disposed ofr.

A copy of the order be placed before the Division Bench of the High Court.

[CHARANJEET KAUR] ASTT. REGISTRAR-cum-PS COURT MASTER (NSH)

[POONAM VAID]