

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5679 OF 1995**

Sabeeha Gulam Mohammad Roshan .... Petitioner  
Vs.  
Pushpawati G. Makharia & Ors. .... Respondents

Mr. Ahmed A. Irani for the Petitioner.

Mr. Ameet Palkar i/b. Mr. K.Y. Mandlik  
for Respondent No.1.

CORAM : A.S. OKA, J.

DATE : 30<sup>TH</sup> SEPTEMBER, 2009.

P.C. :

1. Heard learned Counsel appearing for the petitioner. The learned Counsel appearing for respondent No.1 has tendered on record an affidavit of the first respondent. In the affidavit it is stated that by a deed of assignment dated 1st February, 1994, the respondents have assigned their right, title, interest in the entire property to a Limited Company.

2. The learned Counsel appearing for the petitioner pointed out that in August, 2009, he had sent two telegrams to the petitioner calling upon the petitioner to meet him and give him instructions. He stated that in November, 2006 also he had sent a telegram. He further states that he has also sent a letter by RPAD to the petitioner on 25th August, 2009. He states that the said letter has been returned unserved with the remark "not claimed". He states that notwithstanding the telegrams and the said letter, the petitioner has not contacted him and in absence of the instructions of the petitioner, he will not be in a position to take any further steps in the Writ Petition.

3. It appears that the petitioner may not be interested in prosecuting the Writ Petition as the petitioner has not contacted her Advocate. Hence, the Writ Petition is disposed of for non-prosecution.

**A.S. OKA, J.**