

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12616 OF 2015

M/s. Balmer Lawrie and Company Ltd. .. Petitioner

vs.

The New India Assurance Company
Ltd. and anr.

.. Respondents

Mr. Vishal Kanade a/w. Mr. Ranjit Shetty and Mr. Rohan Agarwal i/b
Argus Partners for the Petitioner.

Mr. V.Y. Sanglikar for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 17 DECEMBER 2015.

P.C. :-

1] Not on board. Upon production, taken on board.

2] There is no justification to either make any grievance against the appellate authority or against the impugned order. The appellate authority had offered to fix the matter even on an early date. Therefore, there was really no justification to institute the present petition.

3] However, interest of justice would be met, if the Petitioner is allowed to amend the memo of appeal and implead the Estate Officer as Respondent No.2. The amendment to be carried out latest by 21 December 2015, on which date, the matter is posted before the appellate authority. Further, on the said date, the Petitioner to proceed with their arguments on the application for ad-interim relief.

4] Until the application for ad-interim relief is disposed of, in accordance with law, the Respondents shall not evict the Petitioner.

5] Mr. Sanglikar, learned counsel for the Respondents, states that in terms of the order made by the Estate Officer, the Petitioner is required to pay over an amount of Rs.5.5 Crores. If that be so, the appellate authority will no doubt take this circumstance into consideration, at the stage of even deciding the ad-interim application.

6] With the aforesaid observations, this petition is disposed of.

7] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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