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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) No.164 OF 2015

Balaji Caterers	...Petitioner
Vs.	
Life Insurance Corporation	...Respondent

Mr.Suhas S. Deokar for Petitioner
Mr.D.B. Pereira for Respondent

CORAM : V. M. KANADE &
A. R. JOSHI, JJ

DATE : FEBRUARY 25, 2015

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned counsel for the Respondent.

2. The Petitioner is aggrieved by an order passed by the Estate Officer, who has rejected the application filed by the Petitioner for not allowing the Deputy Zonal Manager to give evidence in an eviction proceeding which has been initiated by the Respondent against the Petitioner.

3. The learned counsel for the Petitioner has invited our attention to the Regulation No.41. It is submitted that the Corporation has permitted the Zonal Manager of the Corporation to institute, conduct, and defend the Corporation in all the suits, appeals, applications and execution proceedings by or against the Corporation. It is submitted

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that by virtue of Section 49 (2) (a) of the LIC Act, 1956, the Corporation has delegated certain powers to the Zonal Manager. It is submitted that the said Letter of Authority given to the Assistant Administrative Officer by the Zonal Manager is illegal and ultra – virus to the main section 49 (2) (a). In support of the said submission, reliance was placed on the judgment of the Apex Court in the case of **Janki Vashdeo Bhojwani and Anr. Vs Indusind Bank Ltd. [2005 AIR (SC) 439]**.

4. We are unable to accept the said submissions made by the learned counsel appearing on behalf of the Petitioner. We have perused the impugned order passed by the Estate Officer. The Life Insurance Corporation has only given authority to the respective Zonal Managers in various cities to institute, conduct and defend and represent the Corporation in all suits, appeals, application and execution proceedings by or against the Corporation. The said power is given in the nature of POA to defend and initiate proceeding by or against the Corporation. The ratio of the judgment on which reliance was placed by the learned counsel for the Petitioner, in our view, does apply to the facts of the present case. Hence, there is no infirmity in the order passed by the Estate Officer. We are therefore not inclined to interfere with the impugned order. Writ petition is dismissed and it is accordingly disposed of.

[A.R. JOSHI, J.]

[V. M. KANADE, J.]