

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2532 OF 2015**

Alstom T and D India Ltd. ... Petitioner
v/s
United India Insurance Co.Ltd. and another ... Rspondents

Mr Surel Shah with Ms K.R. Daviervalva i/b M/s Mulla and Mulla and
Craigie Blunt and Caroe for Petitioner.
Mr V.Y. Sanglikar for Respondent No.1.

**CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA JJ.**

DATE : 9TH SEPTEMBER 2015

P.C.:-

1. The order impugned in this Writ Petition is of an interlocutory nature. It is passed during the course of eviction proceedings on an application which has been filed by the opponent No.3 – Petitioner before us. That Application raised the issue of jurisdiction of the Estate Officer. That Application has been dismissed by the Estate Officer.

2. In the event the final orders in the proceedings before the Estate Officer are adverse to the interest of the Petitioner, that can be challenged in Appeal under section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. All contentions and grounds including on the point of jurisdiction of the Estate Officer and maintainability of eviction proceedings can be raised in the challenge to the final order passed by the Estate Officer. The Appellate Authority is the District Court or the Judge, City Civil Court at Bombay. He decides the matter independently and impartially. We neither see any prejudice nor miscarriage of justice at this stage. The reasons in the impugned order can be scrutinised and if they are not correct, the final order can be set aside or modified accordingly. Keeping open all contentions for being raised at that stage, we dispose of the Writ Petition.

3. The request of the Petitioner's Advocate to stay this order and the proceedings since the Petitioner is desirous of challenging the order of the Estate Officer in the higher Court is opposed. Having heard the learned counsel on this point and once the

Petitioner has adequate opportunity to challenge not only the finding on jurisdiction while impugning the final order and as no prejudice is caused, we decline this request. More so, when there is no immediate apprehension or threat of eviction.

(B.P. COLABAWALLA, J.)

(S.C.DHARMADHIKARI J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.