

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1393 OF 2016

2 Admittedly, in respect of the same stall the
present petitioner filed a S.C.Suit No.2117 of 2011
before the City Civil Court, Mumbai. The
substantive prayer in the suit was for a declaration

that the present petitioner is entitled to carry on business in the stall subject matter of this petition. Injunction was sought restraining the defendants in the suit from interfering and obstructing the petitioner from carrying on the business.

3 We find that the Union of India, Ministry of Defence (Sub-Areas) (Station Cell) and Defence Estate Officer were parties to the suit. Admittedly, the suit has been dismissed for non prosecution. The plaintiff has not applied for restoration of the suit.

4 Hence, this is a fit case where the petitioner should not be allowed to invoke writ jurisdiction under Article 226 of the Constitution of India. Writ petition is rejected.

(ANUJA PRABHUDESSAI,J.)

(A.S.OKA,J.)