

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

**CIVIL APPLICATION NO.894 OF 2017
IN
WRIT PETITION NO.9305 OF 2009**

Shamim Ahmed Hafizulla Siddiqui : Applicant/Org.Respondent

In the matter of

**National Forest and General Mills Co.
Pvt. Ltd. : Petitioner.
versus
Shamim Ahmed Hafizulla Siddiqui : Respondent.**

**ALONG WITH
CIVIL APPLICATION NO.327 OF 2010
IN
WRIT PETITION NO.9305 OF 2009**

**National Forest and General Mills Co.
Pvt. Ltd. : Petitioner.
versus
Shamim Ahmed Hafizulla Siddiqui : Respondent.**

**ALONG WITH
WRIT PETITION NO.9305 OF 2009**

**National Forest and General Mills Co.
Pvt. Ltd. : Petitioner.
versus
Shamim Ahmed Hafizulla Siddiqui : Respondent.**

**Mr. G N Pandit a/w Ms.Jyoti Sanap & Ms. Sonam More for the Applicant –
original Respondent
Mr.Hemant Mehta i/by Mehta Co. for the Respondent – original Petitioner.
Mrs. Lopa Ghai Director of the original Petitioner present.**

**CORAM : R. M. SAVANT, J.
DATE : 13th APRIL 2017**

P.C.

1 The above Civil Application No.894 of 2017 has been filed seeking the relief that pending the hearing and final disposal of the above Writ Petition the declaratory suit i.e. RAD Suit No.1266 of 2009 filed by the Applicant i.e. the original Respondent be heard along with the eviction suit being L.E.Suit No.97 of 2012 filed by the original Petitioner i.e. the Respondent to the above Civil Application No.894 of 2017. In the alternative it is prayed that the hearing of the said L.E.Suit No.97 of 2012 stayed.

2 The above Writ Petition has been filed by the Respondent to the Civil Application No.894 of 2017 i.e. National Forest and General Mills Co. Pvt. Ltd. challenging the interlocutory order dated 16/10/2009 passed in the said RAD Suit No.1266 of 2009. The said order is passed by the Appellate Bench of the Small Causes Court granting injunction in favour of the Applicant in Civil Application No.894 of 2017 who is the Plaintiff in the said RAD Suit No.1266 of 2009.

3 The above Writ Petition came to be admitted on 01/02/2010 and interim relief came to be granted whereby the said RAD Suit No.1266 of 2009 came to be stayed. However, the LE Suit No.97 of 2012 filed by the Respondent herein i.e. the original Petitioner is continued to be heard and hence the above Civil Application No.894 of 2017 filed by the Applicant seeking the reliefs which have been adverted to herein.

4 During the course of the hearing of the above Civil Application No.894 of 2017, the learned counsel appearing on behalf of the Respondent herein i.e. the original Petitioner National Forest and General Mills Co.Pvt. Ltd. Shri Hemant Mehta on instructions of Mrs. Lopa Ghai – the Director of the original Petitioner made the following statements :-

- a] That the original Petitioner - National Forest and General Mills Co.Pvt. Ltd. would withdraw the above Writ Petition No.9305 of 2009.
- b] That the original Petitioner -National Forest and General Mills Co.Pvt. Ltd. has no objection of the RAD Suit No.1266 of 2009 and LE Suit No.97 of 2012 are heard together by the same learned Judge of the Small Causes Court.
- c] That the original Petitioner - National Forest and General Mills Co. Pvt. Ltd. prays that the hearing of both the said suits be expedited.

5 In view of the aforesaid statements made by the learned counsel for the original Petitioner Shri Hemant Mehta, the following directions are issued :-

- i] The above Writ Petition No.9305 of 2009 is allowed to be withdrawn and dismissed as such.

- ii] Both the suits i.e. RAD Suit No.1266 of 2009 and LE Suit No.97 of 2012 are directed to be heard together by the same learned Judge of the Small Causes Court.

- iii] The hearing of both the suits is expedited.

- iv] The injunction granted vide the order dated 16/10/2009 impugned in the above Writ Petition would continue to operate till disposal of the aforesaid two suits.

- v] R & P to be remitted back forthwith to the Trial Court.

- vi] The learned counsel for the original Petitioner Shri Hemant Mehta, who is the Defendant in the said RAD suit states that the Defendant i.e. National Forest and General Mills Co. Pvt. Ltd. will file its written statement within 8 weeks from date. It is expected of the parties that they would also file their affidavit of evidence expeditiously after the issues are framed.

vi] In view of the withdrawal of the above Writ Petition No.9305 of 2009, the above Civil Application No.894 of 2017 does not survive and the same to accordingly stand disposed of as such. The Civil Application No.327 of 2010 filed by the original Petitioner National Forest and General Mills Co. Pvt. Ltd. for expeditious hearing of the above Writ Petition also does not survive in view of the withdrawal of the above Writ Petition and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]