

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.8396 of 2016

Punam Umesh Jaiswal	]	Petitioner
Vs.		
Engineers India Limited and others	]	Respondents

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Mr. Milind Gyani i/b S.S. Gyani & Co., for Petitioner.
Mr. S.U. Kamdar, Senior Advocate a/w Yashesh Kamdar, Ms. Priyanka Desai
a/w Himanshu Vidhani i/b Khaitan & Co., for Respondent No.1.

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CORAM : R.G. KETKAR, J.

DATE : 21ST DECEMBER, 2018.

P.C.

Heard Mr. Gyani, learned Counsel for the petitioner and Mr. Kamdar, learned Senior Counsel for respondent No.1 at length.

2. This Petition takes exception to the notice dated 13th February, 2015 issued under sub-section (1) clause (b) (ii) of sub-section (2) of section 4 and under sub-section (2) of section 5A of The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 as also the order dated 18th March, 2016 passed by the Estate Officer in Application No.1 of 2015.

3. The Petition was heard by this Court from time to time. Mr. Gyani has submitted affidavit of the petitioner dated 13th December, 2018. The said affidavit is filed in pursuance of the order dated 11th December, 2018. In paragraph 1, the petitioner asserted that she does not have any interest in the suit property claimed by respondent No.1 in Application No.1 of 2015. She also

does not have any interest in any of the other trust properties nor involved in ownership or management of trust properties. She is merely an employee as “Principal” of Lakshdham High School.

4. As the petitioner claims that she does not have any interest in the trust property which is subject matter of Application No.1 of 2015 pending before the Estate Officer as also she is not involved in ownership or management of trust properties, in my opinion, this is not a fit case of entertaining the Petition at this stage. It will be open to the petitioner to file application before the Estate Officer for deleting her name on the aforesaid grounds. If such application is made, Estate Officer will decide the same in accordance with law before proceeding further in the matter. All contentions raised by the petitioner and respondents in the present Petition are expressly kept open. In view thereof, Petition is disposed of. Ad-interim order stands vacated. Order accordingly.

[R.G. KETKAR, J.]