

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7164 OF 2018

Swaran Suresh Ahuja

..... Petitioner

VERSUS

Life Insurance Corporation of India & Ors. Respondents

Mr.Dharam Sharma, i/b. Dharam & Co. for the Petitioner.

Mr.Shriniwas Bhave, a/w. Ms.Sunayana Kashid, Mr.Gaurav Yadav, i/b.
Bhave & Co. for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 31st JULY, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the orders dated 6th February,2015 and 23rd February,2018 rejecting the applications filed by the petitioner on 9th September,2014 and 6th September,2017.

2. It is not in dispute that the evidence of the respondent no.1 is closed. The petitioner has to begin his evidence.

3. The issue of maintainability can be decided by the Estate Officer along with other the issues after arguments of all the parties are concluded. It is made clear that the observations made by the Estate Officer are *prima facie* in nature.

4. Writ petition is dismissed with aforesaid clarification. No order as to costs.

[R.D. DHANUKA, J.]