

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

**CIVIL APPLICATION NO.122 OF 2018
IN
LETTERS PATENT APPEAL NO.225 OF 2012
IN
WRIT PETITION NO.1480 OF 2012**

Life Insurance Corporation of India

..Applicant/Orig.
Respondent No.1

In the matter of

Pradip Mohanlal Popat

...Appellant

vs.

Life Insurance Corporation of India & Ors.

...Respondents

Mr.Milind Vasant More for the Applicant/Original Respondent No.1 .
Mr.Dhananjay Rananaware for the Original Appellant.

CORAM : A.S. OKA &

A. M. DHAVAL, JJ.

DATE : 31st AUGUST, 2018.

P.C.:

. Mr. Rananaware, the learned counsel appearing for the appellant submits that in view of the decision of the Apex Court in the case of *Life Insurance Corporation of India vs. Nandini J. Shah & Ors., AIR 2018 SC 1197* and the Judgment and order dated 6th August 2018 in Letters Patent Appeal No.85 of 2013, this Letters Patent Appeal is not maintainable and, therefore, he seeks permission to withdraw the same with liberty to avail appropriate remedy against the impugned order passed by the learned Single Judge. Learned counsel for the appellant prays that the interim relief which is operating from 1st November 2012 be extended for a reasonable period to enable the appellant to avail of appropriate remedy.

2. Mr. More, the learned counsel appearing for the contesting Respondent opposed the said prayer by pointing out that in breach of conditions imposed while granting interim relief, the appellant has inducted third parties.

3. The interim order passed by this Court on 1st November 2012 is operating for the last 5 ½ years. Therefore, the same deserves to be continued for a limited period. As and when appropriate remedy is adopted by the appellant, it will be always open for the respondent to point out to the concerned Forum the case made out about the alleged breach committed by the appellant.

4. Accordingly, we dispose of this appeal as withdrawn on the ground that it is not maintainable with liberty as prayed. Civil application is also disposed of.

5. It will be open for the appellant to adopt appropriate remedy in accordance with law. In order to enable the appellant to adopt appropriate remedy, interim relief granted on 1st November 2012 will continue to operate on the same terms and conditions for a period of 6 weeks from today. As observed earlier, all contentions of the respondents as regards the breaches committed by the appellant are kept open.

(A. M. DHAVALÉ, J.)

(A. S. OKA, J.)