

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

WRIT PETITION (ST) NO. 14 OF 2020

Mr.Deepak Shashidhar Golappanvar }	Petitioner
versus	
Ms.Meenakshi Amit Jain and Ors. }	Respondents

Mr.Sandeep Mishra for the petitioner.

Dr.Milind Sathe-Senior Advocate with Mr.Bhushan Deshmukh, Ms.Shyamali Gadre, P.Lokegaonkar and Ms.Tanvi Doshi i/b. M/s.Little and Co. for respondent nos. 2 and 3.

**CORAM :- S. C. DHARMADHIKARI &
R. I. CHAGLA, JJ.**

DATED :- JANUARY 22, 2020

P.C. :-

1. This writ petition was placed before us at the request of respondent nos. 2 and 3. It was placed before us because respondent nos. 2 and 3 are prejudiced by the ad-interim order dated 10th January, 2020. They cannot act upon or in furtherance of an order of eviction passed under the provisions of the Mumbai Government Premises (Eviction) Act, 1955. That order has been passed on 11th December, 2019.

2. When this aspect was brought to our notice, we listed this case out of turn. After it was placed on today's Supplementary

Board and called out, the advocate appearing for the petitioner fairly said that this writ petition was not the remedy of the petitioner to question the eviction order. There is an appeal provided in the applicable law against this order of eviction and that appeal lies to the District Court. The petitioner would present such an appeal and to enable him to present it, for a period of 10 days, the order passed by this court should be continued is the request.

3. After hearing both sides and since it is conceded that this writ petition is filed to challenge the eviction order, which is appealable, we dispose it of on the ground that the petitioner has alternate and equally efficacious remedy of appeal to challenge this order. If the petitioner presents an appeal and moves for interim relief therein within a period of 10 days from today, he should not be evicted till the application for interim relief is heard by the District Court. If the petitioner does not file any appeal or move as above, the order passed on 10th January, 2020 on this petition shall stand vacated forthwith without any further reference to the court.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)