

(S.S.Kilaje)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8056 of 2015

M/s. Cafe Hornby & Excel Stores .. Petitioner
Versus
Life Insurance Corporation of India .. Respondent

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- Mr. Ranbir Singh i/by Prakash & Co. for the Petitioner
 - Ms. Komal Shah i/by Bhawe & Co. for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 29, 2022

P.C.:

1. Mr. Singh, learned counsel appearing for the petitioner submits that in the companion writ petition filed by the petitioner being Writ Petition No. 1926 of 2015, petitioner had challenged order dated 31.10.2014 and the jurisdiction of the Estate Officer under the provisions of the Public Premises Act, 1971. By order dated 22.04.2015 passed by this Court the impugned order was quashed and set aside with a direction to the Estate Officer to proceed with the eviction proceedings. Thereafter petitioner approached the Supreme Court and by order dated 24.08.2015 passed in Special Leave to Appeal CC No. 15032 of 2015, the Supreme Court stayed the operation and implementation of the impugned order dated 22.04.2015.

2. The impugned order in the present Petition is dated 17.01.2014

which was passed at an interlocutory stage prior to the order dated 31.10.2014 passed in the same proceedings by the Estate Officer, the proceedings which are now been stayed by the Apex Court. The present writ petition was however file din 2015.

3. Mr. Singh fairly submits that the order dated 17.01.2014 impugned in the present Petition being an interlocutory order passed by the Estate Officer would not survive as on date in view of the substantive proceedings before the Estate Officer having now been stayed by the Supreme Court.

4. In that view of the matter, Mr. Singh states that the Petitioner be allowed to withdraw the present Petition with liberty to file appropriate proceedings subject to the decision of the Supreme Court.

5. Writ Petition allowed to be withdrawn with liberty as prayed for.

6. Writ Petition disposed.

[MILIND N. JADHAV, J.]

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KILAJE

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by SONALI
SATISH KILAJE
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