

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10610 OF 2016

Haji Zainuddin Hukumallah and Ors. ... Petitioners

Versus

M/s. Nirmal Lifestyle Ltd. and Ors. ... Respondents

Mr. J.K. Shah a/w Mr. Sunil Yadav i/by R.J.Law for the Petitioners.
Mr. Rishab Jain i/by MDP & Partners for Respondent No.1.
Mr. Sachin Kankal, AGP for the Respondent No.6-State.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 13th March, 2023

P.C. :

1. Learned counsel for the Petitioners submits that a substantial suit has been filed seeking to challenge the sale agreement dated 01.07.1980, confirmation deed dated 06.04.1995, the cancellation deed dated 04.04.1997 and the sale deed dated 12.12.2005. He submits that by the impugned order dated 31.12.2015, his application was not admitted, as the Secretary and Special Executive Officer (Appeal) has observed that there is no Court order declaring that the said documents are null and void and or illegal and invalid.

2. In view of the pending suit, learned counsel for the Petitioners on instructions, seeks permission to withdraw the petition. Learned counsel for the Respondent No.1 submits that the Respondent No.1 has been admitted to insolvency and presently Corporate Insolvency Resolution Process is going on. Be that as it may. Considering that the substantial civil suit has been filed as regards the subject documents, the petition is permitted to be withdrawn.

3. Needless to state that all the rights and contentions of the parties are kept open. This Court has not gone into the merits of the petition. Considering the suit has been preferred in the year 2018, the City Civil Court, Mumbai, is requested to decide the civil suit bearing No.S.C. Suit No.1776 of 2018, pending before it, as expeditiously as possible.

4. Writ Petition stands disposed of.

(SHARMILA U. DESHMUKH, J.)