

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6821 OF 2022

WITH

INTERIM APPLICATION NO. 8021 OF 2024

IN

WRIT PETITION NO. 6821 OF 2022

Shivmoori Jagatdev Kushwaha Partner of M/s
Stuti Enterprises

..Petitioner

Versus

Assistant Division Engineer Divisional Railway
Managers Office

...Respondent

WITH

WRIT PETITION NO. 2215 OF 2024

Union of India

..Petitioner

Versus

The Liquidator

...Respondent

WITH

WRIT PETITION NO. 6798 OF 2022

WITH

INTERIM APPLICATION NO. 8020 OF 2024

IN

WRIT PETITION NO. 6798 OF 2022

The Liquidator The Mumbai Chhatrapati Shivaji
Terminus Central Railway Employees Soc Ltd

..Petitioner

Versus

Central Railway Through The Asst Divisional
Engineer & Anr

...Respondents

Mr. Viren Asar, with Hetal Patel, Ahuramzda Postvala, Suraj Shetye,

Hemanshu Vyas, Sakina Lokhandwala & Priyasha Pawar, i/b
Ms. Hetal Patel, for the Petitioner in WP/6821/2022 and
Respondent No.2 in WP/2215/2024 and WP/6798/2022.
Mr. R.V. Govilkar, Senior Advocate, with T. J. Pandian, with Shaba
Khan, Ankit Ojha, Gautam Modanwal & Noor Jahan Khan, i/b
R. P. Ojha, for Respondent No.1 in WP/6798/2022 and for
Respondent Nos. 1 and 2 in WP/6821/2022 and for the
Petitioner in WP/2215/2024 and for the Applicant in
IA/8021/2024.
Mr. Vinod Gajangi, for the Petitioner in WP/6798/2022, for
Respondent No.3 in WP/6821/2022 and for Respondent No.1
in WP/2215/2024.

CORAM: N. J. JAMADAR, J.
DATED : 2nd APRIL 2025.

P.C.:

1. Heard the learned Counsel for the parties.

WRIT PETITION NO. 6798 OF 2022:

2. On 27th March 2025, the Official Liquidator, was present in Court and sought leave to withdraw the Petition by filing an Application. The said Application was marked Exhibit “X” and taken on record.

3. Mr. Asar, the learned Counsel for respondent no. 2 in Writ Petition No. 6798 of 2022, had sought time to consider the Application. Therefore, the matter came to be posted today.

4. Mr. Asar, the learned Counsel for respondent no.2 submits that certain averments made in the Application seeking withdrawal of the Writ Petition are factually incorrect and may impair the rights of respondent no.2.

5. Respondent no.2 has filed an independent Writ Petition, i.e., Writ Petition No. 6821 of 2022, against the very order which is impugned in

Writ Petition No. 6798 of 2022. The objections of respondent no.2 to the legality, propriety and correctness of the impugned order can be independently examined in Writ Petition No. 6821 of 2022 and, therefore, the withdrawal of the Writ Petition No. 6798 of 2022 is not likely to cause any prejudice to the respondent no.2.

6. Nonetheless, without delving into the correctness of the averments in the Application for withdrawal, on the basis of the prayer made in the Application for withdrawal (Exhibit “X”), Writ Petition No. 6798 of 2022 stands dismissed as withdrawn, .

7. Interim order(s), if any, in Writ Petition No. 6798 of 2022 stand(s) vacated.

8. Interim application(s) in Writ Petition No. 6798 of 2022 stand(s) disposed.

WRIT PETITION NO. 6821 OF 2022 AND WRIT PETITION NO. 2215 OF 2024:

9. Post Writ Petition No. 6821 of 2022 and Writ Petition No. 2215 of 2024, for hearing and final disposal on 23rd April 2025 at 2.30pm.

10. Ad-interim relief, granted earlier, in Writ Petition Nos. 6821 of 2022 shall continue to operate till the next date.

[N. J. JAMADAR, J.]