

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

**WRIT PETITION NO.18801 OF 2024**

Patel Stationery & General Stores

....Petitioner

V/S

Life Insurance Corporation of India & Ors.

....Respondents

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**Ms. Pratibha Shelake** *for the Petitioner.*

**Mr. Shrinivas P. Bhave** *for Respondent No.1 /LIC.*

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**CORAM: SANDEEP V. MARNE, J.**

**DATE : 23 JANUARY 2025.**

**P.C.:**

1. Petitioner has filed this Petition challenging the order dated 16 July 2024 passed by the Estate Officer rejecting the applications preferred by the Petitioner for examination of handwriting expert as well as for recall of the Valuer for his further cross-examination.

2. Without going into the issue about maintainability of a Petition directly filed before this Court for setting up a challenge to an interlocutory order passed by the Estate Officer, I find the present Petition to be totally mischievous. So far as first prayer for examination of handwriting expert is concerned, the same is premised on the Petitioner's assertion that there is interpolation in the writing dated 3 February 1998 in relation of incremental increase in the rent every five years. Petitioner contends that the

incremental increase at the gap of every five years was only 5%, which is changed to as 25% in the said writing. However it appears that the Respondent-Life Insurance Company has not claimed rent from the Petitioner by adding 25% increase. Also the application was belatedly filed on 27 March 2024 though the said writing was produced and marked as exhibit during the course of cross-examination of the Petitioner on 6 September 2022.

3. So far as the application for recall of the valuer is concerned, the valuer was appointed at the instance of the Petitioner, who conducted joint inspection of the premises and gave report dated 27 June 2018. The Petitioner extensively cross-examine the said Valuer.

4. The evidence in the eviction application is closed on 14 February 2024 and the case was closed for final orders after hearing admissions/arguments of both the sides. It is at this belated stage that the two mischievous applications were moved by the Petitioner on 27 March 2024 which are clearly aimed at delaying the decision of the eviction case which is pending for last about 10 long years. I therefore do not find this to be a fit case to exercise extraordinary jurisdiction of this Court to interfere in the impugned order dated 16 July 2024 passed by the Estate Officer. Writ Petition is accordingly **disposed of**.