

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 876 OF 2023

Mr. M. A. Fahim Kadar and Another ... Petitioners.

V/s.

Mr. Sumit Kumar and Others ... Respondents.

.....

Mr. Prashant Tripathi a/w Mr. Ramesh Tripathi for the Petitioners.  
Dr. Sujay Kantawala a/w Krishna Sarkate and Adithya Ayer for  
Respondent Nos. 1 to 13, 15 to 19, 21, 23 to 28 and 31.  
Mr. Ashok D. Shetty a/w Mr. P Khosla for Respondent Nos. 32 to 34  
(UOI).

.....

**CORAM : NITIN JAMDAR, AND  
MANJUSHA DESHPANDE, JJ.**

**DATE : 4 September 2023.**

**P.C. :**

The Petitioners are challenging the order dated 31 October 2014. The writ petition is filed on 1 April 2019. In the petition, the learned Counsel for the Petitioners has not only given any explanation for this delay but has ventured to plead that there is no delay. In this state of affairs, we would have proceeded to dismiss the petition on the ground of laches which is the objection of the

Respondents. The learned Counsel for the Petitioners makes a request that an opportunity be given to amend the petition to explain the delay. Leave granted. Amendment to be carried out within a period of two weeks.

2 The learned Counsel for the Respondents state that the Petitioners have suppressed various facts and on this count also the petition deserves to be dismissed. The learned Counsel for the private Respondents state that the reply to that effect would be filed.

3 We make it clear that there is no interim relief operating in this petition at present.

4 The learned Counsel for the Respondents- Union of India states that the impugned order was also subject matter of Writ Petition No. 9921 of 2018, which is pending.

5 List the Writ Petition No. 9921 of 2018 alongwith the present writ petition on the next date. The learned Counsel for the parties will inform Advocate for the Petitioner in Writ Petition No. 9921 of 2018 of the next date.

6 Stand over to **10 October 2023**.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)