

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 3469 OF 1992

Union of India ...Plaintiff
V/s.
M/s Byramjee Jeejeebhoy Pvt. Ltd. and Ors. ...Defendants

WITH
CHAMBER SUMMONS NO. 327 OF 2018
WITH
NOTICE OF MOTION NO. 2019 OF 2017

Ms. Anamika Malhotra for the Plaintiff.
Ms. Divya D. Jain for the Defendant No.1
Mr. Samarth Chowdhary with Mr. Aditya Trivedi i/b Indus Law for the
Defendant No.2.

CORAM : ABHAY AHUJA, J.
DATE : 2nd SEPTEMBER, 2025

PC. :

1. When the matter is called out, once again time is being sought on behalf of the Plaintiff to take instructions in the matter.

2. On 24th June, 2025, the following order was passed:-

- “1. When the matter is called out, Mr. Adhikary, learned Counsel appears for the Plaintiff-Union of India and submits that some time be granted to take instructions in the matter.
2. Mr. Jain, learned Counsel appearing for the Defendant No.1 submits that the Suit has become infructuous as the Hon’ble Supreme Court has already held that the subject lands are not waste lands.
3. Considering that this is a Suit of the year 1992, let the Union of India expeditiously take instructions on the withdrawal of the Suit. List on **21st July, 2025.**”

3. Learned Counsel appearing for the Defendant No. 1 and the Defendant No.2 draw this Court's attention to the paragraphs No. 2 and 3 of the said order and submit that even earlier time has been sought on behalf of the Plaintiff to take instructions in the matter and that this Court may not permit any time without costs.

4. Having heard the learned Counsel and having considered their submissions, this Court is of the view that time to take instructions can only be permitted subject to payment of costs of Rs. 10,000/-.

5. Let the costs of Rs. 10,000/- to be paid to the High Court Employees Medical Welfare Fund at Mumbai within a period of two weeks.

6. Subject to the above, list on **14th October, 2025**.

7. Let instructions be taken in view of the decision of the Hon'ble Supreme Court as submitted by the learned Counsel for the Defendant No.1 that the Hon'ble Supreme Court had held that the subject lands are not waste lands.

(ABHAY AHUJA, J.)