

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION ST.NO.4229 OF 2015

Taqi Hussein Mustafa Hussein @
Taqi Mastafa Rizvi .. Petitioner
-Versus-
The Board of Trustees of the Port
of Bombay and Ors. .. Respondents

Mr.R.M.Haridas for petitioner

CORAM : M.S.SONAK, J.

DATE : 19th August 2015.

P.C.

1] Heard Mr.Haridas for petitioner. There is no reason to interfere with the impugned order dated 29th November 2014. The appellate bench of the small causes court has declined to stay further proceedings in the appeal on account of pendency of reference before the larger bench of this court as proposed in the case of Hussainali Sharif Punjwani & Ors. Vs. Board of Trustees of Port of Bombay, reported in 2012 (3) Bom C.R. 579. The appellate bench has rightly relied upon the decision of the Apex Court in the case of Ashok Sadarangani and Anr. Vs. Union of India and Ors.

reported in A.I.R. 2012 S.C. 1563 to hold that mere pendency of reference before the larger bench is not a ground to deffer the hearing of the appeal.

2] There is no jurisdictional error. Ultimately, the petitioner will have an opportunity to take up all such pleas, even if the appeal is decided against the petitioner.

3] Accordingly, the petition is dismissed. There shall be no order as to costs. It is however, clarified that this court has not expressed any opinion on the merits of the matter and it will be open for the appeal court to decide the appeal in accordance with law and on its own merits.

(M.S.SONAK, J.)