

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5511 OF 2015

Rahim Habib Shirgaokar (Deceased) and Ors.] ... Petitioners

Versus

The Board of Trustees of Port of Mumbai.] ... Respondents

Mr. Arun B. Ketkar for Petitioners.

Ms. Sujata Ramgade i/b M/s. M. V. Kini & Co. for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- AUGUST 31, 2015

P. C. :-

1. This petition challenges the order dated 07/03/2015 by which the Appellate Bench of the Small Causes Court has declined to stay the hearing of the appeal pending the resolution of the reference made to the larger bench in the case of *Hussainali Sharif Punjwani Versus The Board of Trustees of the Port of Bombay*¹.

2. There is no jurisdictional error in the making of the impugned order. The Appeal Court, has rightly placed reliance upon the decision in the case of *Ashok Sadarangani & Anr. Versus Union of India & Ors.*² in which it is held that the mere pendency of reference does not mean that all other proceedings involving the same

¹ Civil Revision Application No.193 of 2011

² AIR 2012 SC 1563

issue would remain stayed till a decision was rendered in the reference.

3. Accordingly, there is no reason to entertain the present petition. The petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)