

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7877 OF 2014
WITH
CIVIL APPLICATION NO.306 OF 2015

Laetitia Charles D'souza through C.A.)
Stanislqus Charles D'souza)... Petitioner
V/s.
Municipal Corporation of Gr.Mumbai & Ors.)... Respondents

Mr.Shankar P.Thorat for petitioner.

Ms.Pallavi Thakkar for respondent nos.1 & 2.

CORAM: K.R.SHRIRAM, J.

DATED : 17.2.2015.

P.C. :

1 Rule. Rule made returnable forthwith.

2 The prayer clause-(c) of the petition is for a direction against respondent nos.1 & 2 to hear the petitioner as well as respondent nos.3 & 4 and pass an order after ascertaining and perusing all the documents regarding the application of transfer of tenancy filed by the petitioner.

3 The counsel for the respondent nos.1 & 2 states that it is a fight inter-se between the legal heirs of the original tenant and

therefore, Corporation cannot decide the same.

4 The counsel for the petitioner states that the original tenant was the husband of the petitioner and the Corporation being a landlord without considering the entitlement of the petitioner, had transferred the tenancy in the name of the petitioner's son who has since expired. After the death of the son, the tenancy likely to be transferred by the Corporation which is the landlord in the name of widow of the son. Since the Corporation is the landlord, I see no reason why the Corporation should shy away from considering the application of the petitioner. The corporation is directed to consider the application dated 13.8.2014 of the petitioner and dispose of the same on merits. It is also clarified that by this order this court is not expressing any view on the entitlement of any of the parties to claim tenancy rights.

5 Civil Application as well as Writ Petition stand disposed in the above terms.

(K.R.SHRIRAM, J.)