

nsc.

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

**NOTICE OF MOTION NO.99 OF 2015
IN
WRIT PETITION NO.635 OF 2008**

Akhtar Hasan Rizvi ...Applicant

IN THE MATTER BETWEEN

Akhtar Hasan Rizvi ...Petitioner

v/s.

The Municipal Corporation of Greater
Mumbai and Ors. ...Respondents.

Mr.Ram Apte, Senior Counsel a/w Mr.Mahesh Mishra, i/b Mr.Ravi
Thankaian, for the Applicant/Petitioner.
Ms.Trupiti Puranik, for the Respondent – BMC.
Mr.R.G.Singh for Respondent Nos.2 and 3.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 5th AUGUST, 2015.

P.C.

1. Heard the learned senior counsel appearing for the applicant.

The applicant is the writ petitioner. He seeks fixing a pre-emptory date of hearing of the Writ Petition of the year 2008 on the ground that the Applicant is a senior citizen. Three weeks back, a very long cause list of

the Final Hearing of Original Side Writ Petitions was listed before this Court wherein the petitions from the year 1982 were listed.

2. As the applicant is a senior citizen, the hearing of the petition deserves to be expedited. However, pre-emptory date cannot be fixed.

3. The prayer for fixing an early date of hearing made at the instance of the petitioner in writ petition is vehemently opposed by the second respondent by filing a reply. Incidentally, even the second respondent is a senior citizen. We fail to appreciate the vehemence with which such a prayer for fixing an early date of hearing is opposed. Every litigant has a right to say that his case should be heard expeditiously. No litigant has a vested right to oppose such a prayer for expeditious disposal of any case as it is ultimately for the Court to decide which matter deserves to be given priority. Therefore, we deprecate the attempt made to vehemently oppose the prayer.

4. We direct that the hearing of the Writ Petition is expedited. The same shall be added to the appropriate final hearing board as per its turn.

5. At this stage, the learned counsel appearing for the second and third respondents seeks permission to file an additional affidavit for the purposes of placing the subsequent events on record. We grant time of three weeks to file additional reply. Rejoinder, if any, to be filed within three weeks thereafter.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)