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

LEAVE PETITION No. 1 OF 2013
IN
WRIT PETITION No. 2085 OF 2009

Jamshed Hormusji Wadia

....Petitioner

Vs.

The Board of Trustees of the Port
of Mumbai

....Respondents

Mr.Viren Asar i/b. Wadia Ghandy & Co. for Petitioner

Mr. Rakesh Singh i/b. M.V. Kini and Co. for BPT

CORAM : V. M. KANADE &
A.R. JOSHI, J.J.

DATE : APRIL 9, 2015

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner. Perused the petition. According to the Petitioner, the issue raised in this petition is squarely covered by the judgment of the Supreme Court in the case of **Jamshed Hormusji Wadia Vs. the Board of Trustees of the Port of Mumbai & Anr. [(2004(3) SCC 214)]**. It is submitted that in spite of the directions given by the Supreme Court, the respondents are not complying with the said directions, which has resulted in multiple petitions being filed in this Court. It is, therefore, submitted that leave under Order I Rule 8 of the CPC may be granted.

(LPW 1 of 2013)

2. Despite several opportunities being given to the Respondents, it is not pointed out as to why leave under Order I Rule 8 of the CPC should not be granted.

3. We are informed that same procedure was adopted in the earlier proceedings by the High Court as well as by the Supreme Court. In this view of the matter, the writ petition is allowed in terms of prayer clauses (a), (b) and (c). Draft Notice is approved. LPW No.1 of 2013 in WP No. 2085 of 2009 is accordingly disposed of.

[A.R. JOSHI, J.]

[V. M. KANADE, J.]