

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

Amk

NOTICE OF MOTION NO. 275 OF 2016
IN
NOTICE OF MOTION NO. 414 OF 2015
IN
WRIT PETITION NO. 1725 OF 2015

Johar Ali Ismail Harnekar & Ors. ...Applicant

In the matter of

The Principal Commissioner of ...Petitioner
Customs, CIS Airport, Mumbai

Versus

Johar Ali Ismail Harnekar & Ors. ...Respondents

.....

Mr. Balmiki Ram Tripathi for the Applicant/Respondent Nos.1 to 3.
Mr. Pradeep S. Jetly for the Petitioner.

**CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 27th JUNE, 2016.

P. C. :

1. Heard both sides. We do not think that in a Motion of the applicant respondents seeking substantive relief in an petition by the original petitioner revenue, that we can pass such directions as are prayed. If the applicant desires release of gold, then it is open to him to file independent proceedings, substantive in nature in which he

can claim that relief. We do not think in a Notice of Motion and that too in somebody else's petition, we can grant any relief.

2. The Notice of Motion is devoid of merits and disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]