

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION NO.1055 OF 2016
IN
PUBLIC INTEREST LITIGATION NO.47 OF 2013

M/s. Wockhardt Hospitals Limited

..VS..

Citizen Forum for Equality, thr its President Mr. Madhukar Ganpat Kukde and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri D.V. Chauhan, counsel for applicant/Orig. Respondent No.16.
Shri N.R. Rode, Asstt. Government Pleader for Respondent Nos.2 & 4 to 6.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA K. JAIN, JJ.**
DATED : OCTOBER 26, 2016.

Heard learned counsel Shri D.V. Chauhan
for applicant-original respondent No.16 and learned
Assistant Government Pleader Shri N.R. Rode for
respondent Nos.2 and 4 to 6.

Review of judgment dated 7.9.2016, in
Public Interest Litigation No.47 of 2013 to the extent
directions contained in paragraph No.90(3), is sought.
Learned counsel Shri D.V. Chauhan submits that
respondent No.13 in Public Interest Litigation and
respondent No.14 in present proceedings, viz. SMG
Hospitals Private Limited, is the person who has entered

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into transaction with respondent No.9-The Maharashtra Rashtra Bhasha Sabha. Respondent No.16 (present applicant) is only paying share in profit as monthly charge to SMG Hospitals.

It is not in dispute that respondent No.13, in turn, is paying monthly lease money/rent to respondent No.9-Sabha.

Anxiety of Court in making arrangement in paragraph No.90(3) was only to see that person commercially exploiting property should pay the amount as ordered to Nagpur Improvement Trust as it is public money. The clauses in contract between respondent No.9-Sabha on one hand and other respondents on other hand or then respondent No.13 on one hand and respondent No.16 on other hand did not form a bone of contention before this Court in Public Interest Litigation. As respondent No.16 (present applicant) is currently in occupation and in use, liability to pay for arrears is fastened upon it. As it is indirectly discharging liability of respondent No.9-Sabha, it can always deduct necessary amount from the monthly amount to be paid by it to said respondent No.9 or any other respondent who may be making it over to respondent No.9.

In this situation, as transaction *inter se*

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between the parties are not to be looked into in this review, we find prayer erroneous.

Since no case for review is made out, the misc. civil application is rejected. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 27/10/2016

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