

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.812 OF 2018

Farhad Ginwalla & ors.	...Petitioners
vs.	
The Board of Trustees of The Port of Mumbai & anr.	...Respondents

WITH
CHAMBER SUMMONS NO. 63 OF 2018

Zenobia Rohinton Poonawala	...Intervener/ Pro.respondent
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IN THE MATTER OF BETWEEN :-

Farhad Ginwalla & ors.	...Petitioners
vs.	
The Board of Trustees of the Port of Mumbai & anr.	...Respondents

 Mr.Virag Tulzapurkar, Senior Advocate a/w. Mr. Sameer Pandit and
 Ms. Sarrah Khambatt i/b. M/s. Wadia Ghandy & Co. for the
 petitioners.

Mr. Amjad N. Amin i/b. Ms. B. Amin & Co. for the Intervener of
 Chamber Summons No.63/2018.

Mr. Vishal Talsania i/b. Motiwalla & Co. for respondent No.1.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : APRIL 20, 2018

P.C.:

Parties through their Counsel.

2. Heard learned Counsel for the parties on Chamber Summons.

3. On due consideration, the Chamber Summons is allowed. The applicant of the Chamber Summons be added as respondent No.3 in the Writ Petition. Necessary amendment to be carried out forthwith.

4. With consent of the parties, heard finally and disposed of at the stage of admission itself.

5. By filing this petition under Article 226 of the Constitution of India the petitioner is seeking direction to respondents to consider and take appropriate decision on the petitioner's application seeking transfer of the leasehold right, title and interest held by petitioner No.1 to petitioner Nos. 2 and 3 in the proportion of 45% and 10% respectively and the interest held by the respondents in the land situated at 7A, Garden Road, Apollo Reclamation, Colaba, Mumbai.

6. According to the petitioners, the application for the said purpose has been filed on 9th November, 2017 as also reminder on 27th November, 2017. But till date the said application as said above is not considered and decided.

7. Learned Counsel appearing for the respondent No. 1 submits that the application is not submitted in accordance with law as the application is required to be submitted by the joint owner.

8. Learned Counsel for the newly added respondent No.3 (applicant of Chamber Summons) submits that before passing any order on the said application respondent No. 1 may be directed to give opportunity of hearing to respondent No.3 as he has serious objections about maintainability of the application as also relief claimed in the said application.

9. Learned Senior Counsel for the petitioners submits that let the application be decided by respondent No.1 in accordance with law after giving opportunity of hearing to the petitioners and 3rd respondent.

10. Having considered the submissions of the learned Counsel for the parties, we dispose of this petition by directing the competent authority of respondent No. 1 to give due opportunity of hearing to the petitioners as also to the respondent No.3 on the said application and pass appropriate orders on it in accordance with law as expeditiously as possible preferably within three months from the date of appearance of the parties before him.

11. Parties to appear before the competent authority of the respondents on 4th May, 2018 at 11.00 a.m.
12. All contentions of the parties are kept open.
13. With the aforesaid, the Writ Petition and Chamber Summons are disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)