

ASHVINI  
BAPPASAHEB  
KAKDE

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

**WRIT PETITION NO.1764 OF 2021  
WITH  
INTERIM APPLICATION (L) 29291 OF 2021  
IN  
WRIT PETITION NO. 1764 OF 2021**

Umar Abdul Gani & Ors. ... Petitioners  
V/s.  
Collector of Mumbai City District & Ors. ...Respondents

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Mr. Zal Andhyarujina, Senior Advocate a/w. Mr. Kunal Dwarkadas, Mr. Punit Damodar, Ms. Nikita Vardhan and Ms. Raveena Kinkhavwala i/b. Kanga & Co for Petitioners.

Dr.Birendra Saraf, Learned Advocate General a/w. Mr. Hemant Haryan, AGP for Respondent Nos. 1 to 4.

Mr. Madhur Rai a/w. Mr. Sachin Kanse i/b. PRS Legal for the Respondent Nos 5 to 7.

Mr. Bhushan Deshmukh a/w. Mr. Akshay Sawant i/b. I. V. Merchant & Co for the Respondent Nos 9 to 14.

Dr. Uday Warunjikar a/w. Mr. Yogesh Mishra i/b Yashas Legal for the Applicant in IAL/29291/2021-Intervener.

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**CORAM : K. R. SHRIRAM &  
FIRDOSH P. POONIWALLA, JJ.**

**DATE : 27<sup>th</sup> JULY 2023**

**P.C.:-**

1. Dr. Warunjikar at the outset stated that his Intervention Application be heard. Mr. Andhyarujina was not inclined to agree to allow the intervener to be made a party. At the same time, on the suggestion made

by the Court, Mr. Andhyarujna, Dr. Warunjikar and Mr. Rai, without prejudice to the right and contentions of their respective clients accepted the suggestion of the Court to explore the possibility of all the disputes to be resolved through mediation. We are informed by Mr. Andhyarujina, Respondent No.8 has been served but not present. Mr. Andhyarujina relying on an affidavit filed by Respondent No.5 states that Respondent No.8 also is a company promoted by Respondent No.6 and Respondent No.7. Mr. Rai stated that he has no instructions to appear for Respondent No.8.

2. This Court therefore, appoints Mr. Snehal Shah, Senior Advocate as a Mediator to mediate on all disputes between Petitioners and Respondent Nos. 5, 6, and 7. Details of Mr. Snehal Shah are as under:-

Name :- Mr. Snehal Shah  
Address :- A wing, 401, 4<sup>th</sup> Floor, Fort, Chamber, Behind BSC Bldg., Above Fort Post Office, Homi Modi Street, Mumbai-400001.  
Telephone No. :- 35661229  
Mobile No. :- 9820417751  
Email :- snehalkshah@gmail.com

3. Mediator should endeavor to complete mediation and submit a report within six weeks. The fees and administrative expenses to be shared equally between Petitioners on one part and Respondent Nos.5, 6 and 7 on

the other part, i.e, 50% each part, if Respondent No.8 comes, it will share 1/3<sup>rd</sup> of the total cost.

4. Respondents to the Mediation including Respondent No.8 shall maintain status-quo with regard to/relating to the leased land.

5. Stand over to 24<sup>th</sup> August 2023.

**(FIRDOSH P. POONIWALLA, J.)**

**(K. R. SHRIRAM, J.)**