

N THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1575 OF 2007

(@ SPECIAL LEAVE PETITION (C)NO.4911 OF 2007)

CHARU KISHOR MEHTA

APPELLANT(S)

VERSUS

LILAVATI KIRTILAL MEHTA M. TRUST & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Respondents 1 to 13 are represented through respective counsel.

Heard both sides.

The appellant herein is the plaintiff in Suit No.1997 of 2006 pending before the City Civil Court, Mumbai. The appellant is one of the Trustees of Lilavati Kirtilal Mehta Medical Trust and according to the averments in the plaint, defendants 2 to 9 are the other Trustees of the said Trust. Four resolutions were passed by the Board on 29th April, 2006. Appellant herein

claims that she is seriously prejudiced by resolution No.3 which is to the following effect :-

"Resolved that Mrs.Charu Kishor Mehta shall not interact or communicate with employees and/or consultants of the Lilavati Hospital and Research Centre and/or the trust save and except through the Board of trustees of the Trust, and employees and/or consultants be and are hereby informed that they do not have to take into account any instructions directly given by Mrs.K.Mehta to them."

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Shri Fali S.Nariman, learned senior counsel for the appellant submitted that the Board of Trustees had no authority to pass such a resolution and by virtue of this resolution, the appellant is completely excluded from the management of the hospital and research institute, which is the primary object of the Trust. Learned counsel for Respondents 11 to 13 supported the said contention.

On the other hand, Shri Harish N.Salve, learned senior counsel and other counsel appearing for respondent nos.1 to 10 supported the resolution and contended that the Resolution had to be passed because of the situation created by the appellant.

After hearing the arguments on both sides, we find that there are serious disputes between the parties which ultimately may cause serious difficulties in the running of the hospital, which is under the management of the Trust. In view of the present circumstances, as a temporary measure, we direct that Dr.Narendra Trivedi, Vice-President of the Leelavati

Hospital and Dr.K.Ramamurthy, Senior Consultant in that hospital, shall be in-charge of the hospital of the day to day running of the Hospital and Research Institute. These two

Administrators will take all decisions relating to the administration of the hospital. They shall

give a report to the Board of Trustees every two weeks and any directions by the Board of

Trustees are to be issued to these two Administrators only in the form of resolutions and not

individual instructions by any Trustee. A copy of the report of resolution shall also be furnished

to the appellant and if she is in any way aggrieved by the directions issued by the Board, she

would be at liberty to seek appropriate direction from the City Civil Court, Mumbai where the

suit is pending.

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We direct the City Civil Court, Mumbai to take up the suit No.1997 of 2006 at an

early date and dispose of the matter as expeditiously as possible at least within a period of six

months. It is clarified that this interim arrangement is in substitution of the order passed by the

High Court. The appeal is allowed to the extent indicated above. No costs.

.....CJI

.....

(K.G. BALAKRISHNAN)

.....J.

.....

(R.V.RAVEENDRAN)

NEW DELHI;

26TH MARCH, 2007

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4911/2007

(From the judgement and order dated 19/01/2007 in AAO No. 42/2007 & NM No. 1767/2006 & CA No. 1987/2007 & SN No. 1997/2006 of The HIGH COURT OF JUDICATURE AT BOMBAY)

CHARU KISHOR MEHTA

Petitioner(s)

VERSUS

LILAVATI KIRTILAL MEHTA M. TRUST & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 26/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr.Fali S.Nariman, Sr.Adv.

Mr.Mukul Rohtagi, Sr.Adv.

Mr.Rohinton F.Nariman, Sr.Adv.

Mr.Amit Sibal, Adv.

Mr.Syed Naqvi, Adv.

Ms.Smieetaa Inna, Adv.

Mr. Rajesh Kumar, Adv.

For Respondent(s)

Mr.Harish N.Salve, Sr.Adv.

Mr.Ranjit Kumar, Sr.Adv.

Mr.Shyam Divan, Sr.Adv.

Mr.Tarun Gulati, Adv.

Mr.Ishwar Nankani, Adv.

Mr. Praveen Kumar, Adv.

Mr. Jaiveer Shergill, Adv.

For R.No.12 Mr.K.K.Venugopal, Sr.Adv.

Ms.Praveena Gautam, Adv.

For R.No.13 Mr.K.K.Venugopal, Sr.Adv.

Mr.Pramod B.Agarwala, Adv.

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For R.No.3 Mr.Arun Jaitley, Sr.Adv.

Mr.P.H.Parekh, Adv.

Mr.Sameer Parekh, Adv.

Mr.Lalit Chauhan, Adv.

Mrs.Mary M., Adv.

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For Proforma R.No.1 Dr.A.M.Singhvi, Sr.Adv.

Mr.Pramod Agarwal, Adv.

For Proforma R.No.2 Mr.Soli J.Sorabjee, Sr.Adv.

Mr.Dushyant A.Dave, Sr.Adv.

Mr.Pramod Agarwal, Adv.

For Proforma R.No.3 Mr.K.K.Venugopal, Sr.Adv.

Mr.Pramod Agarwal, Adv.

For R.Nos.11-13 Mr.Arun Bhardwaj, Sr.Adv.

Mr.Manish Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard both sides.

The appeal is allowed to the extent indicated in the signed order. No costs

(G.V.Ramana)

(Veera Verma)

Court Master

Court Master

(Signed order is placed on the file)