

CASE NO.:
Appeal (civil) 1575 of 2007

PETITIONER:
Charu Kishor Mehta

RESPONDENT:
Lilavati Kirtilal Mehta M. Trust & Ors

DATE OF JUDGMENT: 20/08/2007

BENCH:
K. G. Balakrishnan & R. V. Raveendran

JUDGMENT:
JUDGMENT

O R D E R

IA No.1 in CIVIL APPEAL NO.1575 OF 2007

K. G. Balakrishnan, CJI.,

While granting leave on 26.3.2007, we made an interim order appointing Dr. Narendra Trivedi, Vice-President of the Lilavati Hospital and Dr. K.Ramamurthy, Senior Consultant in that hospital, as Joint Administrators to be in charge of the day to day running of the Hospital and the Research Institute.

2. Dr. K. Ramamurthy has written a letter dated 14.6.2007 to the Registry of this Court, expressing his inability to function as an administrator, due to ill health.

3. The appellant has also made this application seeking modification of the order dated 26th March, 2007 to appoint Dr. (Mrs.) Ketayun R.Dhunjibhoy, Chief of Laboratories in place of Dr. K.Ramamurthy, so that Dr. Narendra Trivedi and Dr. (Mrs.) Ketayun R.Dhunjibhoy can act as joint-administrators.

4. The said application has been resisted by the contesting respondents inter alia on the ground that Dr. Dhunjibhoy is not senior enough for being appointed as a Joint Administrator and her appointment may cause administrative problems as there are more than 30 of the consultants working in the hospital, senior to her.

5. We have considered the rival submissions. We are of the view that interest of justice would be served if Dr. K.Ramamurthy is replaced by a retired Judge of the Bombay High Court as the Joint-administrator. Accordingly, we appoint Mr. Justice A. A. Halbe, retired Judge of Bombay High Court, No.144, 'JYESHTHA', Tarangan Housing Complex, Near Cadbury Factory, Thane-400 606, Maharashtra (Tel : 022 - 25408849), as Joint Administrator in place of Dr. K. Ramamurthy. Subject to the said modification, the interim order dated 26.3.2007 shall continue to operate.

6. The remuneration payable to Mr. Justice A. A. Halbe will be determined in due course.

7. We are sure that the City Civil Court, Mumbai, is making all efforts to dispose of Suit No.1997/2006 at an early date, within the

time stipulated in our order dated 26.3.2007.

8. I.A. No.1/2007 is disposed of accordingly.

JUDIS