

Sequeira

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

*CHAMBER SUMMONS (Lodg.) NO. 218 OF 2017
In
PUBLIC INTEREST LITIGATION (Lodg.) NO. 46 OF 2017*

Indian Medical Association,
Karnataka State Branch & anr. .. Applicants
In the matter between
Sumitra Hooda Pednekar & ors. .. Petitioners
Vs
Life Insurance Corporation of
India & ors. .. Respondents

Mr.V.R.Dhond, Senior Advocate with Mr.Waseem Pangarkar with
Mr.Vijay Purohit & Nadiya S. with Mr.Avishkar Singhvi i/b.
M/s.MZM Legal, for the Petitioner.

Ms.Snehalata Paranjape, Mr.J.P.Kapadia, Mr.Fozan Lakhdawala,
Mr.Tapan Agarwal, Mr.S.Agrahari, Mr.S.Dingarkar i/b. M/s.Little &
Co., for Respondent No.1 (LIC).

Mr.Hormuz Mehta with Mr.Aditi Deshpande i/b. M/s.J.Sagar
Associates, for Respondent Nos.2, 3, 4 & 5.

Mr.Shrinivas Bhave with Mr.S.Gokhale i/b. M/s.Bhave & Co., for
Respondent No.6.

Mr.Anil Singh -Additional Solicitor General a/w Mr.Kumar Abhishek
and Yash Momaya, for Respondent No.11 -Union of India.

Mr.Shyam Mehta, Senior Advocate i/b M/s.K.Ashar & Co., for Respondent No.12.

Mr.Janak Dwarkadas, Senior Advocate a/w Ms.Sneha Jaisingh Sheeya Gupta i/b M/s Bharucha & Partners, for Respondent No.13.

Mr.Iqbal Chagla, Senior Advocate with Mr.B.P.Bharucha, Ms.Sneha Jaisingh & Ms.Shreya Gupta i/b. M/s.Bharucha & Partners, for Respondent No.14.

Mr.Sajjan Poovayya, Senior Advocate with Mr.M.P.Bharucha, Ms.Sneha Jaisingh & Ms.Shreya Gupta i/b. M/s/Bharucha & Partners, for Respondent No.15.

Mr.Janak Dwarkadas, Senior Advocate with Mr.S.N.Mookharjee, Senior Advocate with Mr.Nimish Kothare, Mr.Nikhil Mutha, i/b. Nanu Hormasjee & Co., for Respondent No.16.

Mr.Navroz Seervai, Senior Advocate a/w Mr.Dharam Jumani a/w Ms.Debashree Mandpe with Ms Aradhana L. i/b Ganesh & Co., for Respondent No.17.

Ms.Jayna Kothari i/b Vinamra Kopariha, for Applicant in Ch.S (L) No.218 of 2017.

CORAM : DR.MANJULA CHELLUR, CJ. & N.M.JAMDAR, J.

DATE : JUNE 23, 2017.

P.C.:

This Chamber Summons is filed to bring on record Indian Medical Association, Karnataka State Branch and also Consortium for Tobacco Free Karnataka, having its office at Sochara, Koramangala, Bengaluru.

2. The contention of the Applicants is that they would assist the Court to dispose of the *lis* raised before the Court in a more effective manner, if the application is allowed. The oral objections are heard on this impleading application contending that the main relief in the PIL is with regard to investments made by the Insurance Companies indirectly approved by the Government of India and there is no relief as such for banning sale of tobacco, etc. Therefore, impleading application should be dismissed. No doubt there is no prayer for banning the sale of tobacco but main relief is sought on the basis that when the very intention of the Union of India is to discourage public consuming tobacco in any form on account of its impact on the health of the public why the State should encourage such investments by Insurance Companies. The Indian Medical Association Karnataka State branch, could assist the Court only with regard to health aspect and nothing beyond especially, the commercial consequence and also with regard to the treaties between Karnataka and other countries with regard to tobacco policy. Therefore, they could only be a proper party and not necessary party. Hence first Applicant – Indian Medical Association Karnataka State branch, is allowed to come on record.

3. So far as the second Applicant, it is not even a recognised NGO and not a legal entity therefore, we decline to add second Applicant as a party to the petition. Necessary amendment to be carried out, if any within two weeks. All the parties appearing for

objection to the contention raised in the impleading application, are permitted to file reply affidavit or exception.

4. After amendment being carried out, two weeks granted to file affidavit along with the necessary documents by the Applicant (added Respondent) within two weeks, with advance copy to the appearing party who shall file their exception to such an affidavit within two weeks thereafter.

5. List it after four weeks. Reply affidavit on the main petition by the Respondents shall be filed in the registry before next date of hearing, with advance copy to the Petitioner who shall file rejoinder, if any.

(N.M.JAMDAR, J.)

CHIEF JUSTICE

सत्यमेव जयते