

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

**NOTICE OF MOTION (L) NO.1033 OF 2018
IN
SUIT (L) NO.548 OF 2018**

Farhad Ginwalla and Ors. ... Plaintiffs

versus

Zenobia R. Poonawala (nee
Ginwalla and Anr. ... Defendants

Ms. Sarrah Khambati i/by M/s. Wadia Ghandy and Co., for Plaintiffs.
None for Defendants.

CORAM: S.J. KATHAWALLA, J.

**DATE: 1st JUNE, 2018
(In Chambers)**

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. The Application for Speaking to the Minutes of the order dated 2nd May, 2018 which was uploaded yesterday evening, was mentioned in the morning session. The matter was kept at 3.00 p.m. Though a copy of the praecipe is served on the Advocate for the Defendants, they have not remained present on the ground that their Counsel is not available.
3. I have perused the Praecipe as well as the reliefs sought in sub-clause (ii) of prayer clause (b) of the Notice of Motion and have noted that certain errors have crept

in the order due to inadvertence. In view thereof, the mistakes in the order are corrected as follows :

(i) Clause (b) of paragraph 2.6 of the order be read as under :

“(b) That the Defendants in the first week of April placed CCTV cameras over the main entrance doors to Flat Nos.4, 5, 6 and 8 on the 1st, 2nd and 3rd floors of Rutton Manor in which the Plaintiffs are residing, without their consent, and are monitoring as to who is coming in and out of those flats, thereby invading the Plaintiffs privacy.”

(ii) The first sentence of paragraph 4 of the order be read as under :

“The two other grievances made on behalf of the Plaintiffs on 25th April, 2018 were that in the first week of April-2018 without the consent of the Plaintiffs, the Defendants have installed CCTV cameras over the entrance doors of Flat Nos.4, 5, 6 and 8 on the 1st, 2nd and 3rd floors of Rutton Manor, in which the Plaintiffs are residing and are monitoring who is coming in or out from the said flats thereby invading the privacy of the Plaintiffs and further that the Defendants have locked the access door to the common terrace of the building Rutton Manor, because of which the Plaintiffs are unable to have access to the common terrace and the water tanks and lift room, which are located on the terrace.”

(ii) The third sentence of paragraph 6 of the order be read as under :

“However, though the learned Advocate appearing for Defendant No. 1

admits that CCTV cameras currently installed by Defendant No. 1 are over the main entrance of Flat Nos.4, 5, 6 and 8 on the 1st, 2nd and 3rd floors of the Rutton Manor in which Plaintiffs are residing, he states that since an unknown person had tried to open the flat of Defendants on 24th March, 2018 and a complaint was made to the Senior Inspector of Colaba Police Station, it is necessary to install the cameras on each floor and his clients are not agreeable to change the position of the cameras even if one can see who is coming in and out of the flats of the Plaintiffs”.

(iv) The 4th and 5th sentence of Paragraph 7 of the order be read as under :

“Therefore, in my view, since admittedly the Plaintiffs are residing in Flat Nos.4, 5, 6 and 8, no one has a right to invade their privacy. Defendant No. 1 certainly cannot be allowed to continue with the CCTV cameras installed over the main entrance door to Flat Nos.4, 5, 6 and 8 on the 1st, 2nd and 3rd floors of Rutton Manor on the ground that some one had allegedly tried to enter their flat on the fourth floor on 24th March, 2018.”

(v) Clause (ii) of paragraph 10 be read as under :

“(ii) The Plaintiffs are allowed to forthwith remove the CCTV cameras, which are put/installed, without their consent, over the main entrance of Flat Nos.4, 5, 6 and 8 on the 1st, 2nd and 3rd floors of Rutton Manor, in which the Plaintiffs are residing thereby invading the Plaintiffs’ privacy. However, to secure the building of the Plaintiffs and the Defendants, the Plaintiffs shall get CCTV cameras

installed as suggested by Span Systems initially at their costs.”

Application for Speaking to the Minutes is accordingly disposed of.

(S.J.KATHAWALLA,J.)

