

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1568 OF 2014
IN
WRIT PETITION NO. 6003 OF 2014**

Grampanchayat Uchgaon

..Applicant

Vs.

Kolhapur Mahanagar Palika

..Respondent

**Mr. G. S. Godbole with Ms Neha Valsangkar for the Applicant
Mr. N. V. Walawalkar, Senior Advocate, with Mr. S. M. Kamble for the
Respondent No.1**

**CORAM : R. M. SAVANT, J.
DATE : 14th JANUARY, 2015**

P.C.

1 The above Civil Application has been filed for amending the above Writ Petition. The amendment sought is to the effect that the Applicant-Gram Panchayat has wrongly described itself as “owners” of the land in question, and the Applicant is seeking the deletion in terms of the schedule annexed to the above Civil Application, other amendment sought is to include additional grounds.

2 The Learned Senior Counsel appearing on behalf of the Respondent-Municipal Corporation, states that in so far as the factual correction is required he has no objection. However in so far as the grounds which are now sought to be raised, the Learned Senior Counsel contends that some of the facts stated in the grounds were not part of the pleadings in the

courts below. Since the amendment has been sought at the pre-admission stage, in my view, it would be appropriate to allow the above Civil Application. However it would be open for the Respondent -Municipal Corporation to raise such objections as are available to them as regards the facts mentioned in the grounds are concerned. Allowing the amendment application should not be construed as the facts stated in the grounds have been accepted by this Court or the Respondent. Ad-interim relief to continue. List the Petition for admission on 4-2-2015. Affidavit in reply if any, to be filed within two weeks.

3 The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]