

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

**CHAMBER SUMMONS NO.83 OF 2015
IN
WRIT PETITION NO.1327 OF 2011**

M/s Chitralaya Exhibitors India Applicant

In the matter between

M/s Chitralaya Exhibitors India Petitioner

Vs.

The Municipal Corporation of Respondents
Mumbai & Ors

Mr. Erach Kotwal alongwith Mr. Sahil Bijliwala i/by FZB & Ass.
for the applicant/original Petitioner.

Mr. S.S. Pakale alongwith Ms. K.H. Mastakar, Advocate for the
BMC.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 28th September, 2015

P.C. :

1 This Chamber Summons taken out by the petitioner
is for amendments to the petition in terms of the Schedule of the
proposed amendments annexed to the Chamber Summons.

2 The schedule of the proposed amendments, in addition to bringing the subsequent events on record, included challenge to the validity of circular dtd.23rd December, 2009. When it was brought to the notice of the petitioner that the challenge to the circular cannot be maintained before a Bench of Single Judge and must be heard by the Division Bench, Mr. Kotwal, the learned advocate for the petitioner made a statement that the petitioner does not wish to press the amendments to the petition to the extent of challenge to the circular and requests for deletion of certain portions from the schedule of amendments. The deletion sought is in respect of :

- i) Para 26 C
- ii) Para 26Q (C) (xvii)
- iii) Words “Circular dtd. 23rd December, 2009 (T) from paragraph 26Q (F),
- iv) Words “Circular dtd.23rd December, 2009 (Exhibit T) to the petition from paragraph 26Q (K) and
- v) the Circular at Exhibit “T” to the petition at pages 21 to 21D from the schedule to the Chamber Summons.

The request is granted and the deletion is permitted.

3 With deletion of the above paragraphs, the scope of Chamber Summons is limited to bringing the subsequent events on record. Therefore the Chamber Summons is allowed in terms of prayer clause (a). The petitioner shall carry out amendments in terms of the amended schedule, within a period of one week from today. Amended copy to be served to the respondent within one week thereafter. The petition to be placed on board on 5th October, 2015.

(Smt. R.P. SondurBaldota, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed Order.