

Hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 86 OF 2015

IN

WRIT PETITION NO. 540 OF 2010

Faridabai Answar Agboatwala and Ors. ... Petitioners

V/s

The State of Maharashtra and Ors. ... Respondents

Mr. Kevic Setalwad, Sr. counsel a/w Mr. Anupam Surve, Mr. Nikhail Mutha i/by Nanu Hormasjee & Co. for applicants/Petitioners.

Mr. G.W. Mattows, A.G.P. for respondent nos. 1 to 3.

Dr. Abhinav Chandrachud a/w Mrs. Kavita Anchan i/by M/s. M.V. Kini & Co. for respondent no. 5.

Mr. Sneh Mehta a/w Juhi Mathur i/by Wadia Ghandy & Co. for respondent no. 6.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 7th OCTOBER, 2015

P.C. :-

1. Heard learned senior counsel for the applicants, learned counsel for the fifth respondent as well as the sixth respondent and learned AGP for respondent nos. 1 to 3.

2. The present chamber summons is taken out by the applicants who are writ petitioners for amending the petition. The amendment is sought essentially for placing reliance on additional documents which were not in the custody of the applicants when

the petition was filed. The second part of the proposed amendment is for incorporating additional prayers. The substantive prayer sought to be added is for seeking a declaration that the acquisition proceedings have lapsed in view of sub section (2) of section 24 of Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013.

3. The objection of the learned counsel for fifth respondent is that the documents which are sought to be relied upon are very old documents. The second objection is that inconsistent stand is sought to be taken as regards the possession.

4. The case made out in the affidavit in support that the documents were not in possession of the petitioners which are sought to be relied upon. Moreover, writ petition is at present at admission stage. Therefore, without prejudice to the rights and contentions of the parties, the proposed amendments deserve to be allowed. Accordingly Chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of four weeks from today.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)