

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 544 OF 2016  
IN  
WRIT PETITION NO. 4456 OF 2015**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mrs. Bhavna Anklesaria for the Applicant.

Mr. C.R. Naidu with Nasir Shaikh for the Respondent No.1.

**CORAM : K. K. TATED, J.**

**DATED : 24/10/2016**

**PC.:**

. Heard learned Counsel for the parties.

2 This application is preferred by the Petitioner for carrying out amendment in Writ Petition which is pending for admission.

3 The learned Counsel for the Petitioner submits that after filing of the petition, they made application under Right to Information Act to Members/Secretary Rehabilitation Council of India on 26.05.2015. On the basis of that application, they learned that Respondent was not holding the valid certificate from Rehabilitation Council of India. Therefore, to bring all these facts on record, they preferred the present Civil Application. She submits that in the interest of justice, this Hon'ble Court be

pleased to allow the present Civil Application. She submits that if application is not allowed, irreparable loss will be caused to the applicant.

4 On the other hand, the learned Counsel for the Respondent No.1 vehemently opposed the present Civil Application. He submits that before the Authority, applicant has not raised any objection about the certificate of the authority. He further submits that Respondent No.1's certificate did not cancel under Section 21 of Rehabilitation Council of India Act, 1992. He submits that by way of amendment applicant is bringing new facts, which is not allowed. Hence, there is no substance in the present Civil Application and same to be dismissed with costs.

5 The learned Counsel for the Respondent No.1 submits that in view of amendment application filed by the applicant, it is necessary to bring on record Rehabilitation Council of India as well as State Government as party. He submits that liberty may be granted to the Respondent to prefer the appropriate application to that effect. There is no question of granting any liberty. The Respondent is free to take out appropriate application, if they so desire, and that application would be decided on its own merits.

6 I heard both the sides at length. It is to be noted that till today the Writ Petition is not admitted. Same is pending for admission on its own merits. The present Civil Application is filed by the applicant on the basis of information received by them under the Right to Information Act by their application dated 26.05.2015. In any case, the Respondent No.1 can file their affidavit-in-reply, if they so desire to the amended petition.

8 Considering this fact, I am of the opinion that applicant has made out case for allowing the Civil Application.

9 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clauses (a) and (b), which read thus:

*“a) This this Hon'ble Court be pleased to permit the Applicant to amend the above Writ Petition as per the Schedule-I annexed hereto.*

*b) That this Hon'ble Court be pleased to permit the applicant to carry out consequential amendment in the petition.”*

b) Amendment to be carried out on or before 25.11.2016, failing which Civil Application shall stand dismissed without referring back to the court.

c) If amendment is carried out within stipulated time as stated herein above, Applicant to serve the amended copy of Petition on Respondents or their Advocates thereafter.

d) Liberty granted to the Respondents, if they so desire, to file their additional affidavit-in-reply to the amended Writ Petition.

e) Till the admission of the Writ Petition, parties are directed to maintain status quo as of today.

f) Office is directed to place the Writ Petition on board on 05.12.2016 for admission.

g) Civil Application stands disposed of accordingly.

**(K.K.TATED, J.)**