

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2228 OF 2014
IN
WRIT PETITION NO.7059 OF 1999**

**Ahmedsaheb Fakirsaheb Kokani
(Since deceased through his legal heirs)
Rafique Ahmedsaheb Kokani and others ..Applicants**
Versus
**Shri. Mohammed Hasansaheb Khatib
(Since deceased through his legal heirs)
Smt. Mehra Mohammed Khatib
(Since deceased through her legal heirs)
Shri. Zaid Mohammed Saheb Khatib and others ..Respondents**

**Mr. S. G. Kudle for the Applicants.
Mr. M. M. Sathaye for the Respondent Nos.2 to 10.
Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.11 & 12.**

**CORAM : R. M. SAVANT, J.
DATE : 14th DECEMBER, 2016**

PC.

1 The above Civil Application has been filed for amending the
Petition for seeking the following reliefs :-

“(a) This Hon'ble Court be pleased to direct the Respondents no.11 and 12 to restore the possession of C.T.S. No.3762 to the Petitioner, thereby getting demolished unauthorized structure constructed by Respondents No.2 to 10 providing the amount of compensation in the sum of Rs.1 (One Crores) for compensation of old post office building and cost of construction which is required to be rebuilt the old post office building with a view to maintain the status-quo anti.”

(1) - CAW-2228-14. doc.

2 In so far the above Writ Petition is concerned, the principal relief sought is vide prayer clause (a) :-

“(a) that the impugned Judgment and order dated 13.04.1999 passed in Appeal No.S.30/3096/735/CR.169 (B)/CR.6/98/A & R may kindly be quashed and set aside;”

3 Hence vide the said substantive prayer clause (a), the Petitioner is seeking quashing and setting aside of the judgment and order dated 13.04.1999, by which order, the Appeal filed by the Petitioner came to be dismissed. Having regard to the said relief sought, if the Petitioner succeeds in the above Petition and the impugned judgment and order dated 13.04.1999 passed by the Respondent No.12 is set aside, the legal consequences of the same would follow. The relief sought to be incorporated vide the amendment sought is also beyond the scope of the above Petition. Hence, the amendment sought cannot be acceded to. The Civil Application is accordingly rejected.

[R.M.SAVANT, J]