

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

CHAMBER SUMMONS NO. 96 OF 2016

IN

WRIT PETITION NO. 2627 OF 2014

Smt. Shaila Madhukar Gore	}	
and Ors.	}	Petitioners
versus		
Union of India and Ors.	}	Respondents

Mr. S. K. Halwasia with Ms. S. S. Halwasia
i/b. M/s. Halwasia and Co. for the
applicants/petitioners.

Mr. Y. R. Mishra with Mr. N. R. Prajapati
for respondent no. 1 Union of India.

Ms. Geeta Shastri - Additional
Government Pleader for respondent nos.
2 and 5 to 8.

Mr. Kishore Jain with Mr. M. Sundar i/b.
Ms. Divya Jain and Ms. Shweta Jain for
respondent no. 9.

Mr. Tushar Goradia for respondent no. 10.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- AUGUST 19, 2016

P.C. :-

- 1) This chamber summons is for amendment of the petition.
- 2) Our attention is invited by Mr. Halwasia to the proposed amendments contained in the Schedule. That Schedule is at page 6 of this chamber summons.

3) These draft amendments, according to Mr. Halwasia, would enable this court to properly and effectively resolve the controversy. The cause of action has not undergone any change so also the essential relief.

4) However, contesting respondent nos. 9 and 10 object to these amendments being carried out on the footing that the entire cause of action would undergo a change. Therefore, the chamber summons be dismissed.

5) We have perused these draft amendments and reply of respondent no. 9. Whenever we grant leave to amend the writ petition and to incorporate additional pleas and grounds only with a view to avoid multiplicity of proceedings, we do not comment much less on the merits of the amended pleas. It is well settled that without prejudice to all these pleas and that may be raised in answer thereto, such amendments can be granted.

6) Therefore, by clarifying that mere grant of amendment would not be construed as expression of opinion on the merits of controversy and the amendments are without prejudice to the rights and contentions of all parties, particularly respondent no.9, we make this chamber summons absolute in terms of prayer clause (a). Amendment be carried out within a period of two

weeks from the date of receipt of a copy of this order. Additional reply, if any, shall be furnished within a period of four weeks from the date of receipt of the amended memo of the writ petition.

7) List the petition for admission on 14th October, 2016.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)