

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

CHAMBER SUMMONS NO.310 OF 2015
IN

WRIT PETITION NO.2757 OF 2012

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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Ms.Panthi Desai i/b M/s.M.PVashi & Associates for the applicant

Ms.Kavita Solunke, A.G.P. for the State

CORAM : K. K. TATED, J.

DATE : DECEMBER 2, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This Chamber Summons is preferred by petitioner for carrying out amendment in Writ Petition No.2757 of 2012 to place on record subsequent development.
- 3 The learned counsel for the applicant submits that in the present Writ Petition, this court passed order on 15.4.2015 directing respondent State to provide some documents to the applicant. This court also granted permission to the applicant to make appropriate application before the respondent for re-hearing the matter for valuation of the suit property. She submits that pursuant to the liberty granted by this court, they filed

application before the Chief Controller of Revenue Authority, Maharashtra State, Pune. She submits that the said application was rejected by the said authority by order dated 21.8.2015. She submits that applicant wants to place on record subsequent order dated 21.8.2015 and also the averments and prayers to that effect in the petition. Hence, they preferred the present Chamber Summons.

4 On the other hand, the learned counsel for the respondent vehemently opposed the present Chamber Summons. They filed Affidavit-in-Reply dated 18.3.2016. The learned A.G.P. submits that by this petition, they are challenging the order passed by Controlling authority dated 14.8.2012 in Revision Case No.51 of 2008. She submits that there is no question of challenging the subsequent order dated 21.8.2015 in the present petition. That is separate cause of action.

5 I have heard both the sides. It is to be noted that in the present proceedings, this court granted liberty to the applicant by order dated 15.4.2015 to make representation before the Chief Controlling Revenue Authority in respect of payment of stamp duty on the suit premises. That application was rejected by the authority by order dated 21.8.2016. Applicant wants to bring on record subsequent facts and the order dated 21.8.2015. To decide the present Writ Petition, it is necessary to place on record subsequent development in respect of the

suit property and the order passed by the authority. Considering these facts, I am satisfied that the applicant has made out a case for allowing the Chamber Summons. Hence, following order is passed:

A) Chamber Summons is allowed in terms of prayer clause (a) and (b) which read thus:

“(a) That the petitioner be allowed to amend the Writ Petition as per schedule annexed hereto.
(b) That the consequential amendments be allowed to be carried out.”

B) Applicant to carry out appropriate amendment in Writ Petition No.2757 of 2012 on or before 21.12.2016 failing which Chamber Summons stand dismissed without referring back to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, applicant to serve amended copy of petition on respondent or their advocate thereafter on or before 13.1.2017 and filed affidavit of service to that effect.

D) Chamber Summons stands disposed of accordingly.

E) No order as to costs.

JUDGE