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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO.10986 OF 2017 IN
WRIT PETITION NO.6582 OF 2004

Azad Ali Shah Education Society ... APPLICANT

VERSUS

Union of India & ors. ... RESPONDENTS

.....
Shri A.S. Bayas, Advocate for applicant
Shri Y.G. Gujarathi, A.G.P. for R.No.2, 3, 6 to 8
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 29th August, 2017.

ORAL ORDER

1. By this Civil Application, the applicant seeks amendment to the petition by adding certain grounds and for seeking additional prayer set out in the draft amendment annexed to the Civil Application. No affidavit-in-reply is filed by respondents No.2 to 8 or by other respondents, though served.

2. In our view, the applicant has made out a case for grant of amendment. We, however, make it clear that, merely because the amendment is allowed in favour of the applicant in this Civil Application, the merits of the additional averments

made in the Civil Application and the prayers sought to be included in the original petition are not decided on merits. The respondents would be entitled to oppose the averments in the Civil Application which will stand incorporated in the Writ Petition and also other prayers sought on its own merits.

3. Civil Application is accordingly made absolute in terms of prayer clause (B) with the clarification issued aforesaid. Amendment to be carried out within a period of two weeks from today. Amended copy of the Writ Petition shall be served upon the respondents through their learned Advocates simultaneously. If any of the respondents propose to file any additional reply to the amended petition, same shall be filed within two weeks from the date of service of the amended petition and copy thereof shall be served upon the petitioner's Advocate simultaneously. It is made clear that, no further adjournment will be granted.

4. Place the matter for final disposal on 10th October 2017.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/