

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 117 OF 2017

IN

WRIT PETITION NO. 522 OF 2016

MR. MOHAN NAMDEV SALGAOKAR AND 187
ORS.,

... Applicants

Versus

SHREE DEVI SHARVANI VETAL
MAHARUDRA PANCHAYATAN
SANSTHAN, THR.MR.RAMCHANDRA
S.P.SALGAONKAR AND 2 ORS.,

... Respondents

Mr. Abhay Khandeparkar, Advocate with Mr. Rohan P. Desai,
Advocate for the Applicants.

Ms. A. Kamat, Advocate for Respondent no. 1.

Mr. Sagar S. Dhargalkar, Additional Government Advocate for
Respondents no. 2 and 3.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 7th February, 2017

P.C.:

Heard Shri Abhay Khandeparkar, learned Counsel appearing
for the Applicant.

2. This is an application for carrying out amendment in the
Petition.

3. Shri S. Dhargalkar, learned Counsel appearing for the
Respondent seriously opposes the leave to amend the Petition as,
according to him, the cause of action itself would change and the

reliefs which are sought cannot be obtained in a Petition under Article 226 of the Constitution of India.

4. Upon hearing the learned Counsel, the fact that the issues sought to be raised are referable to the original dispute in the Petition cannot be disputed. But, however, the objection of the Respondents on the maintainability of such averments in the Writ Petition and whether the cause of action changes or not are left open which can be considered at the time of the final hearing of the Petition. Subject to above, leave to carry out amendment granted. Amendment to be carried out within one week, with copy thereof to the Respondents. Respondents are at liberty to file additional reply within two weeks thereafter.

5. By consent, place the matter for final hearing on 15.03.2017.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

msr