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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 247 OF 2017
IN
SUIT NO. 341 OF 2012

Krishnakant S Parikh	...Plaintiff
<i>Versus</i>	
The State of Maharashtra & Ors	...Defendants

Mr Nitin Thakkar, Senior Advocate, with Mr Tejas Vora, Mr DR Mishra i/b GK Vora & Sagar V Kasar for the Plaintiff.
Ms Jyoti Chavan, AGP for Defendants Nos. 1 & 4.

CORAM: G.S. PATEL, J
DATED: 10th March 2017

PC:-

1. Mr Thakkar states that now that the evidence is closed, he does not propose to make an application to lead further evidence. Both sides agreed that they went to trial on an understanding that certain questions and issues arose in regard to notices issued under Section 10(5) of the erstwhile Urban Land (Ceiling and Regulation) Act 1976. The Plaintiff led evidence and was cross examined on these notices.

2. In this view of the matter the amendment is not necessary. What is proposed by way of the amendment may be argued by the Plaintiff and submissions may be made thereon based on the evidence that is already on record. Both sides have no objection to this.

3. Specifically: the Plaintiff will be at liberty to raise legal submissions that possession of the suit land was not taken in accordance with law. The only omission — if it can be called that — in the pleadings is a reference to a particular sub-section of a particular statute. Perhaps some things are best left to counsel for the final hearing, and there is no dispute that evidence was led on these notices. The Plaintiff is certainly entitled to make submissions based on the material on record.

4. The Chamber Summons is disposed of in these terms. No costs.

(G. S. PATEL, J.)