

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

**CHAMBER SUMMONS NO. 90 OF 2017
IN
WRIT PETITION NO. 2982 OF 2016
WITH
WRIT PETITION NO. 137 OF 2017
WITH
NOTICE OF MOTION NO. 5 OF 2017**

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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Mr. Rafique Dada, Senior Advocate with Mr. Prasad Dhakephalkar, Senior Advocate with Mr. D. J. Khambata, Senior Advocate with Mr. Ashish Kamat with Mr. Aditya Mehta, Mr. M.S. Federal, Ms. Aanchal Rohira, Ms. P Mehta, Ms. Namrata Shah i/b Federal & Rashmikant for the Petitioner in W.P. No. 2982/2016, Applicant in Ch/s No. 90/2017, Notice of Motion No. 5/0017 and for Respondent No.3 in W.P. 137/2017.

Mr. Aspi Chinoy, Senior Advocate a/w Mr. Milind Sathe, Senior Advocate a/w Ms. Tanvi Shah, Ms. Aditi Khanna, i/b Wadia Ghandy & Co. for the Petitioner in W.P. No. 137/2017 and for Respondent No.4 in W.P. No.2982/2016.

Mr. Nikhil Sakhardande, Special Counsel, a/w Mr. Pralhad Paranjape, Mr. Asif Patel Addl. G.P. for Respondent Nos. 1 to 3 in W.P. No. 2982/16 & Respondent Nos. 1 & 2 in W.P. No. 137/17.

Mr. Anil Sakhare, Senior Advocate with Ms. Shital Mane for the Addl. Respondent in N.N. 5/2017 & Ch/s No. 90/2017/MGCM.

**CORAM : K. K. TATED, J.
DATED : 28/04/2017**

PC.:

. Heard learned Senior Counsel for the parties.

2 This Chamber Summons is preferred by the petitioner for carrying out amendment in Writ Petition No. 2982 of 2016 in view of subsequent development.

3 The learned Senior Counsel for the Corporation and learned counsel for the Respondent Nos. 1, 2 and 3 vehemently opposed the present Chamber Summons. They submit that it is separate cause of action and therefore, the present Chamber Summons is not required to be allowed.

4 By this Chamber Summons the petitioner seeks to bring on record the subsequent development in the present matter. The learned Senior counsel for the applicant submits that all subsequent facts are in respect of original cause of action only. Hence, it is necessary to amend the Writ Petition.

5 The learned Senior Counsel for the applicant submits that in view of order dated 13.04.2017 passed by this Court in Writ Petition No. 2982 of 2016 at present Petitioners are not pressing the prayer clause (b) of the Chamber Summons. Statement is accepted.

5 I heard both the sides at length. It is to be noted that till today the Writ Petition No. 2982 of 2016 is pending for admission.

6 Considering the submissions made by the learned Senior counsel for the Applicant and the averments made in affidavit in support of Chamber Summons, I am satisfied that the Applicant has made out a case for allowing the present Chamber Summons.

7 Hence, following order is passed:

a) Chamber Summons is allowed in terms of prayer clause (a) which reads thus:

“a) that this Hon'ble Court be pleased to grant leave to amend Writ Petition in terms of the Schedule annexed hereto and implead the Additional respondent and further permit the Petitioners to carry out such further and other incident and consequential amendments to the Petition that may be necessary to fully effectuate the proposed amendments;”

b) Amendment to be carried out on or before 05.05.2017.

c) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve the amended copy of Writ Petition on respondents within one week thereafter.

d) Writ Petition Nos. 2982 of 2016 along with other connected matters to appear on board on 27.06.2017.

e) Chamber Summons stands disposed of accordingly.

(K.K.TATED, J.)