

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1451 OF 2017
WITH
CHAMBER SUMMONS NO. 161 OF 2017

Rajeev Menon

.. Petitioner

vs.

The Commissioner of
Brihan Mumbai Municipal
Corporation and ors.

.. Respondents

Ms Varsha Chavan for the Petitioner.
Ms Sheetal Mehta for Respondent No.2.
Ms Shital Mane for Respondent No.1-MCGM

CORAM : M. S. SONAK, J.
DATE : 09 AUGUST 2017.

P.C. :-

IN WRIT PETITION NO. 1451 OF 2017

1] Leave is granted to implead Jyoti Plaza Apartment Private Limited as respondent No.3.

2] Issue notice to newly impleaded respondent No.3 returnable on 6th September 2017.

3] In addition to the notice to be issued by the registry, the petitioner is permitted to effect private service upon respondent No.3 and file affidavit of service by way of compliance.

IN CHAMBER SUMMONS NO. 161 OF 2017

4] Heard learned counsel for the parties.

5] Chamber Summons No. 161 of 2017 seeks leave to amend the petition by introducing an additional paragraph and additional prayer clause.

6] Ms Sheettal Mehta, learned counsel for respondent No.2, opposes the grant of leave by submitting that such an amendment is not at all necessary and in any case will amount to imposition of an unjustified burden upon respondent No.2.

7] The petition is yet to be admitted. The grant of leave to amend does not and cannot mean that this Court has even remotely accepted whatever has been set out in the proposed amendment. Such an issue will ultimately have to be decided when the petition itself is taken up for consideration at the stage of admission or if admitted at the stage of final hearing.

8] There is really no reason to disallow the leave to amend. Accordingly, the chamber summons is made absolute in terms of

prayer clause (a). However, it is clarified that all contentions of all parties are expressly kept open.

9] The petitioner to carry out amendment within two weeks from today. Copy of the amended petition to be served upon the respondents. The respondents may file their reply to the amended petition within a period of two weeks thereafter.

10] Accordingly, the chamber summons is disposed of.

(M. S. SONAK, J.)