

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1030 OF 2018
IN
WRIT PETITION NO.2893 OF 2017**

Makarand Rajadhyaksha and Anr. .. Applicants

V/s.

Union of India and Ors. .. Respondents

Mr.Ram Upadhyay for the Applicant i/b M/s.Law Computer Consultants for the Applicant

Mr.Mohamedali M. Chunawala with Mr.Dhanesh R. Shah for the Respondent no.1

Mr.Vikas Talraja h/f Ms.Shruti Desai for the Respondent nos.5 to 7

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : OCTOBER 6, 2018

P.C. :

1 Heard.

2 The learned counsel for the Applicant submits that by this Civil Application they are seeking to carry out amendment in the present Writ Petition. He submits that Writ Petition is not admitted till today.

3 The learned counsel for the Applicant makes a statement that all the Respondents are duly served. Applicant undertakes to file affidavit

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of service to that effect. Affidavit of service be filed within two weeks from today.

4 The learned counsel for the Respondent vehemently opposed the present Civil Application. They submit that order dated 16.01.2017 passed by the learned Presiding Officer of the DRT II, Mumbai was available when they filed the Writ Petition.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Applicant is permitted to carry out amendment in Writ Petition No.2893 of 2017 as per schedule of amendment on page 5 of the Civil Application.

b) Amendment be carried out on or before 19.10.2018, failing which the Civil Application shall stand dismissed without further reference to the court.

c) If amendment is carried out within stipulated time as stated hereinabove, Applicant to serve amended copy of Writ Petition on other side immediately thereafter, within two weeks and file affidavit of service to that effect.

d) Liberty granted to the Respondent if they so desire to file

additional reply to amended Writ Petition with copy to other side.

e) Civil application stands disposed off accordingly.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)