

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8774 OF 2017

Shri Asgharkhan A. Pathan and Others ..Petitioners

Vs.

Union of India and Others ..Respondents

Mr. C. M. Korde, Senior Counsel a/w Mr. Milind N. Jadhaw, Pranav S. Nair I/b Sasikumar T. C. , for the Petitioners.

Mr. N. R. Bubna, for Respondent Nos. 1 to 6.

Mr. R. P. Kadam, AGP, for Respondent Nos. 7 and 8.

CORAM :- **B.P.COLABAWALLA, J.**
DATE :- **DECEMBER 19, 2018.**

P. C.:

Rule. Rule made returnable forthwith and heard finally. Respondent Nos.1 to 6 and who are the only contesting Respondents waive service.

2 It is stated before me by both counsel that the issues in this Petition are identical to the one raised in Writ Petition No. 8773 of 2017. I have already allowed Writ Petition No. 8773 of 2017 today. For the reasons stated in the order passed in Writ

Petition No. 8773 of 2017, this Writ Petition also succeeds and the impugned order dated 23rd February, 2017 is hereby quashed and set aside.

3 Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

4 It is made clear that by setting aside the amendment allowed by the Trial Court will not preclude the Respondents from relying upon the Notification dated 9th October, 2013 if they are otherwise entitled to in law.

5 Considering that the Suit is of the year 2006, the Trial Court is requested to hear the Suit as expeditiously as possible and in any event within a period of one year from today.

(B. P. COLABAWALLA, J.)