

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 71 OF 2019

IN

WRIT PETITION NO. 486 OF 2018

CICERONE AIR TRANSPORT SERVICES
PVT. LTD., THR. ITS DIRECTOR, JOAO
XAVIER MIRANDA AND ANR.,

... Applicants

Versus

UNION OF INDIA, THR. ITS MINISTRY
OF CIVIL AVIATION AND ANR.,

... Respondents

Mr. P. Sawant, Advocate for the Applicants.
Mr. Navdeep Aguiar holding for Mr. Siddharth Samant,
Advocate for Respondent No.1.
Mr. Sukumar Pattjoshi, Senior Advocate with Mr. Sonal Kumar
Singh and Mr. Abhay Nachinolkar, Advocates for Respondent
No.2.

Coram:- M. S. SONAK &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 24th January 2019

P.C.

Heard the learned counsel for the parties.

2. The main petition is yet to be admitted. Based upon certain development post institution of the present petition, the Petitioners seek leave to amend. This application is opposed by the learned counsel for the Respondents. They submit that the main petition has been rendered infructuous on account of subsequent development and therefore, the Petitioners, if at all aggrieved are required to file fresh petition.

3. They also contend that the scope of the original petition will be expanded, if leave to amend is granted.

4. Since, the amendment is applied on the ground of subsequent development, we see no reason to deny leave to amend. If ultimately, the Respondents agree that a fresh petition will be maintainable to challenge the subsequent development, no prejudice will really occasion the Respondents in case leave to amend is granted. Since, the challenge is to the subsequent development, it cannot be said that this is real sense expansion of the original cause of action.

5. Accordingly, the Civil Application is allowed. Leave to amend is granted by keeping all objections of the Respondents on merits open.

6. Amendment to be carried out within one week from today. Copy of the amended petition to be furnished to the learned counsel for the Respondents.

7. The Civil Application is disposed of in the aforesaid terms. There shall be no order as to costs.

PRITHVIRAJ K. CHAVAN, J.

M. S. SONAK, J.

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