

IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO.689/2019
IN
WRIT PETITION NO. 497 OF 2019

Chinmay Suresh Sabnis and anr., Applicants.
V/s.

The State of Goa, through Chief Secretary
and 2 Ors., Respondents

Mr. J. J. Mulgaonkar, Advocate for the Applicants.

Mr. Sagar Gurudas Dhargalkar, Additional Government Advocate for
the Respondents.

**Coram : M. S. SONAK &
N. D. SARDESSAI JJ.**

Date : 18th July, 2019.

P.C.:

Heard Mr. Mulgaonkar for the applicant and Mr.
Dhargalkar for the respondents..

2. This is an application seeking leave to amend the petition which is yet to be admitted. Mr. Mulgaonkar points out that the amendment is necessary on account of the developments which have taken place during the pendency of the petition. Mr. Dhargalkar, the learned Additional Govt. Advocate strongly opposes grant of leave by

pointing out that the same will expand the original scope of the Petition. He further submits that the grounds now proposed to be raised fall foul on the parameters of judicial review in such matters. He submits that the Respondents have already filed reply to the main petition and, therefore, no leave may be granted.

3. We have considered the rival contentions. According to us, there is no reason to deny the leave, particularly since the leave is applied for on the basis of developments which have taken place during the pendency of the Petition. Whether the grounds proposed to be raised can be gone into in the exercise of judicial review or whether such grounds have any merits or not, can always be decided once the amendment is allowed and the Respondents respond to the same. The fact that leave is being granted does not mean that the facts sought to be pleaded or the grounds sought to be urged are accepted by this Court.

4. Accordingly, the Civil Application is allowed. Leave is granted to amend the Petition and to produce additional documents as prayed for. This exercise has to be completed within one week from today and copy of the amended Petition is to be served upon the Respondents soon thereafter. The Respondents are granted liberty to file response to the amended Petition, latest by 29th July,

2019 by service of advance copy to the learned Counsel appearing for the Petitioner.

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

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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