

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

**CIVIL APPLICATION NO.529 OF 2018
IN
WRIT PETITION NO.10694 OF 2016
WITH
CIVIL APPLICATION NO.530 OF 2018
IN
WRIT PETITION NO.10695 OF 2016**

**Amrutvel Co-operative Housing Society Ltd. : Applicant.
Versus
Ajit Prabhudas Sutaria and anr. : Respondents.**

**Mr. Mangal Bhandari a/w Ms. Sabari Chatterjee I/by Mr. A G Pandit for
the Applicant in both the Civil Applications.**

**Mr. Mehul Shah with Ms. Snehal Dakhale for the Respondents in both the
Civil Applications.**

**CORAM: K.K. TATED, J
DATED : FEBRUARY 01, 2019**

P.C. :

1 Heard the learned counsel for the parties.

2 By these Civil Applications, the Applicant seeks to carry out amendment in the Writ Petitions by adding certain facts and the prayers as stated in the Schedule to the amendment at page 9 of the Civil Applications.

3 The learned counsel Mr. Mangal Bhandari appearing for the Applicant during the course of the arguments submits that he has received

instructions for not to press for amendment as per schedule of the amendment in respect of paragraph 40G onwards.

4 The learned counsel for the Applicant submits that by the Civil Applications, the Applicant seeks leave to carry out amendments in the Writ Petitions only as per Paragraphs 40A to 40G. He submits that the Writ Petitions are not admitted till today and during the pendency of these Writ Petitions, he has filed these applications to bring certain facts on record, relating to the dispute between the Petitioner and the Respondents. Hence in the interest of justice, he prays that the applications may be allowed and applicant may be permitted to carry out the amendments in both the Writ Petitions.

5 On the other hand, the learned counsel Mr. Mehul Shah appearing for the Respondents vehemently opposes the present Civil Applications. He submits that by these Civil Applications, the Applicant wants to bring on record certain facts which were occurred before filing the dispute between the Petitioner and the Respondents. That cannot be permitted in the present proceedings. Hence there is no substance in the present Civil Applications and the same are required to be dismissed with costs.

6 I heard both the sides a length.

7 It is to be noted that till today the Writ Petitions are pending for admission. Not only that the Applicant wants to bring on record certain facts as stated in the proposed amendments. Considering the fact that the Writ Petitions are pending for admission till today, I am of the opinion that the Applicant can be permitted to carry out amendments in the Writ Petitions. Hence the following order :-

- a. The Civil Applications are allowed.
- b. The Applicant is permitted to bring on record certain facts by carrying out amendments in Writ Petition Nos.10694 of 2016 and 10695 of 2016 by including Paragraphs 40(a) to 40(f) as stated in the schedule of amendments at page 9 of the Civil Applications.
- c. Amendment to be carried out on or before 28/02/2019 with copy to other side, failing with both the Civil Applications shall stand dismissed without further reference to the court.
- d. If the amendment is carried out within the stipulated time, liberty is granted to the Respondents, if so desire, to file additional reply if any on or before 22/03/2019 with copy to other side.

- e. Writ Petitions to appear on board on 25/03/2019.
- f. The Civil Applications stand disposed of accordingly.
- g. No order as to costs.

(K.K. TATED, J.)