

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

**CIVIL APPLICATION NO.528 OF 2019
IN
WRIT PETITION NO.13272 OF 2017**

M/s.Vidyut Metallica Pvt. Ltd. .. Petitioner.

Vs.

Central Board of Trustees & Ors. .. Respondents.

Mr.K.M.Naik Senior Advocate with Mr.Salkar i/b Mr.Hemant Telkar for the Petitioner.

Mr.Suresh Kumar with Ms.Smita Thakur for the Respondent Nos.1 to 3.

Mr.Lancy D'Souza with Ms.Deepika Agarwal with Mr.V.M.Parkar for Respondent No.4.

CORAM : A.K. MENON, J.

DATED : 6TH MARCH, 2019

P.C. .

1. By this Civil Application, the petitioner seeks amendment of the petition to incorporate a challenge to the order of attachment dated 17th October, 2018 Exhibit-D and Warrant of attachment dated 17th October, 2018. This in view of the fact that an earlier order of attachment assailed in this petition has been stayed vide order dated 9th July, 2018.
2. Mr.Naik, learned Senior Advocate has urged that subsequent attachment could not have been levied in respect of same recovery.

In these circumstances, I am of the view that the application is liable to be allowed and I pass the following order;

(a) Civil application is allowed in terms of prayer clause 11(i). Amendment to be carried out within a period of two weeks from today. Amended copy to be served on the respondents' Advocate forthwith thereafter.

(b) In view of the fact that the amendment now incorporates a prayer to restrain the respondents for taking further steps pursuant to the second attachment dated 17th October, 2018, till the next date no further steps shall be taken by the respondents in respect of the second order of attachment and warrant of attachment of immovable property both dated 17th October, 2018.

(c) Reply to the amended petition to be filed on or before 3rd April, 2019.

(d) List the petition on 10th April, 2019.

(e) In the meantime ad-interim protection granted on 9th July, 2018 shall stand extended upto the next date.

(f) Civil Application is disposed in aforesaid terms.

(A.K. MENON,J.)