

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 CIVIL APPLICATION NO.7277 OF 2020
IN WP/6409/2020

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION LTD THROUGH
ITS ADMINISTRATOR
VERSUS
LANDMARK DEVELOPERS AND ANOTHER

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Advocate for Applicants : Mr. Bajaj Anil S.
Advocate for Respondents : Mr. Anand Bhandari.
AGP for the Respondent/State : Mr. S.B. Narwade.

CORAM : MANGESH S. PATIL, J.

DATE : 27/11/2020

PER COURT :

After the Writ Petition is reserved for judgment and order the petitioner has filed this application for impleading the State as a party respondent.

2. Learned advocate Mr. Bajaj for the applicant submits that the State was party before the Executing Court but erroneously was not arrayed as a respondent in the Writ Petition. He may be allowed to correct the error.

3. Learned advocate Mr. Bhandari submits that after having obtained few adjournments and after finally conducting the hearing when the matter was reserved for the judgment the present application has been filed. There is enormous delay in making the request and may not be acceded to. Learned advocate Mr. Bhandari then submits that even if now the application is to be allowed no opportunity should be extended to the petitioner to make fresh submissions.

4. It is indeed at the fag end rather at a very late stage that the

application has been filed to array the State as a party. However, since in the absence of State there would be a defect in the proceeding, the State can be allowed to be arrayed as a party-respondent, however with a rider that it is only the State, if it so intends, would be entitled to make any submissions and not the petitioner or the other respondent.

5. The application is allowed. Necessary amendment to be carried out on or before 01.12.2020. Learned A.G.P waives service for the respondent/State.

6. Stand over to 02.12.2020.

(MANGESH S. PATIL, J.)

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