

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
922 CIVIL APPLICATION NO.15613 OF 2016
IN WP/570/2012

MUNJAJI KONDIBA CHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. V.J. Dixit, Sr. Counsel h/f
Mr. S.P. Katneshwarkar
AGP for Respondents: Mr. S.K. Tambe
Advocate for Respondents No.4 & 5 : Mis. Ranjita Barhate
h/f Mr. H.A. Joshi

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CORAM : ROHIT B. DEO, J.

Date: January 14, 2020

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PER COURT :-

1 I have heard learned senior counsel Shri Dixit in support of the Civil Application and the learned counsel Miss. Ranjita Barhate, who is opposing the prayer in the Civil Application for and on behalf of respondent Nos.4 and 5.

2 The applicant is seeking to amend the petition to bring on record the fact that even according to the valuation certificate obtained by the auction purchaser – respondent No.9, four months after the auction, the valuation of the property is Rs.4,91,81,469/- which would demonstrate that the property was sold at a throw-away price. The applicant further seeks to incorporate certain averments showing that the total outstanding is recovered. Necessary amendment in the prayer

clause is also sought.

3 The learned counsel Miss Ranjita Barhate made a valiant effort to persuade me to hold that the amendment is without substance. She has further argued that the amendment is sought belatedly in the year 2016.

4 It is true that there is some delay in seeking amendment. However, the petition is yet to be admitted for final hearing and in this view of the matter, I am satisfied that no prejudice would be caused to respondents No.4 and 5 if the applicant is permitted to amend the petition.

5 It is made clear that Miss. Ranjita Barhate has raised several contentions to demonstrate that the contentions which are sought to be incorporated are not sustainable in law. However, the contentions are left expressly open and the respondents No.4 and 5 are at liberty to file an additional affidavit in response, dealing with the amended petition.

6 Civil Application is allowed.

7 Amendment be carried out within a week.

8 List the writ petition for final disposal at the admission stage on 11.2.2020.

(ROHIT BABAN DEO, J)