

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

**933 CIVIL APPLICATION NO.5855 OF 2020
IN WP/4247/2020 WITH WP/5492/2020**

SAMSUDDIN SHAIKH HUSAIN (DECEASED) THROUGH L.RS.AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Talhar Ajay G.
AGP for Respondent Nos.1 to 5 : Mr. S.B. Pulkundwar
Advocate for Respondent Nos.6 & 7 : Mr. M.K. Deshpande
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 18th AUGUST, 2021

PER COURT:-

1. The petitioners have moved this application seeking amendment for adding a single sentence, as set out on page no.5 of the application. The learned advocates for the respondents do not oppose the application.

2. We have gone through the sentence which the petitioners desire to add below paragraph no.5. That would not change the nature of the cause of action or the grounds set out. The respondents could be granted the liberty to file additional affidavits.

3. In view of the above, this application is allowed in terms of prayer clause (B). Addition be carried out within two weeks. Affidavit in reply, if desired, can be filed by the respondents, on or before 18.09.2021.

4. The learned advocate for the petitioners submits that he

would be requesting the learned Single Judge to take up Writ Petition No.2083 of 1999 for final hearing as the result in the said petition is likely to affect the outcome of this petition.

5. As such, liberty to circulate this petition after the above stated petition is decided or in the event of urgency, if any.

6. The ad-interim relief granted earlier would continue.

7. Office to accept the sur-rejoinder in Writ Petition No.5492 of 2020. All office objections to be removed within two weeks.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)

Mujaheed//