

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

909 CIVIL APPLICATION NO.5814 OF 2020
IN WP/12954/2019 WITH WP/12954/2019

ANAND RAOSAHEB BODKHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. S.R. Sapkal
AGP for Respondents State : Mr. P.K. Lakhotiya
Advocate for Respondents 2 & 3 : Mr. S.V. Advant
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 09/07/2021.

PER COURT :

. In the present application, the petitioner seeks leave to amend and assail the corrected award passed during the pendency of the present writ petition.

2. We have heard Mr. Sapkal, learned advocate for the petitioner. Mr. Advant, learned counsel for respondent Nos. 2 and 3 opposes the application on the ground that the nature of writ petition would change. The second award was passed at the instance of the petitioner who carried out the fresh measurement and entire procedure has been followed.

3. It is trite that merits of the amendment application

need not be considered while adjudicating the amendment application.

4. Writ petition is at the nascent stage. Even otherwise, the respondents will have every opportunity to controvert the averments sought to be introduced by way of amendment including the challenge on the ground of tenability.

5. In the light of the above, civil application is allowed to the extent of amendment. The amendment be carried out within 14 days with copy to other side. Civil Application is disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/