

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3689 of 2021**

Kapil s/o. Kisan Gujar and ors.

....Petitioners

Versus

The Union of India and ors.

....Respondents

Mr. N. V. Gaware i/b. Abhijeet S. More, advocate for the petitioners.

Mr. Ashutosh Gole, advocate for respondent No.1.

Mr. A. M. Kulkarni along with Ms. Akanksha Helaskar, advocate and Mr. S. L. Babar, AGP for respondent No.4.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 17th NOVEMBER, 2021.

P.C. :

1. At the outset, Mr. Gaware, learned counsel for the petitioner, orally prayed for amendment to the petition. It is submitted that post filing of the petition, it came to the knowledge of the petitioners that the Government Resolution dated 4th September, 2020, is also in relation to the subject matter of the petition and reference to that Government Resolution would be necessary for furthering the case of the petitioner. Mr. Gaware, learned counsel for the petitioner, as such prayed for leave to amend the petition so as to place on record the necessary Government Resolution and incorporating additional grounds and if needed, making consequential prayers. Leave as prayed for, is granted. Necessary amendment be carried out by Monday viz. 22nd November, 2021. Copy of

This order is corrected in view of order dated 22nd November, 2021.

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the amended petition be served upon all concerned. The respondent - State is permitted to file additional affidavit – in - reply to the amended petition.

2. Learned counsel for the petitioner submitted that office objection in respect of deficit court fees is already removed. The Registry to verify the same and in case, the objection if not removed till date, the petitioner to remove the office objection in respect of deficit court fees within one week from today.

3. Mr. Kulkarni, learned counsel for respondent -State, submitted that the petitions involving identical issues are transferred to Aurangabad Bench of this Court and, as such, this matter also may be transferred to Aurangabad Bench for the sake of convenience of the parties.

4. On carrying out amendment and removal of the office objections, the Registry is directed to transfer the petition to Aurangabad Bench for further consideration.

5. Interim order passed by this Court earlier, shall continue to operate till the next date.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)