

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 20477 OF 2022
IN
WRIT PETITION NO. 11728 OF 2017

Suhas Dattatraya Modgi and Ors. ..Applicants

V/s.

The State of Maharashtra,
through The Principal Secretary,
Urban Development Dept and Ors. ..Respondents

Mr. C.G. Gavnekar for the Petitioners.

Mr. N.N. Badrashete for the Respondent No.3.

Ms. R.M. Shinde, AGP for Respondent Nos.1,4 and 5/State.

CORAM : R.D.DHANUKA, AND
M.M.SATHAYE, JJ.

DATE : 6 DECEMBER 2022

P.C.

. This is an application by Petitioners for amendment to the petition as per Schedule A to C of the interim application.

2. Heard learned counsel Mr. Gavnekar for the Petitioner, Mr. Bhadrashete for Respondent No.3 and learned AGP for Respondent Nos. 1, 4 and 5.

3. Mr. Gavnekar submitted that the amendment is necessitated in view of Government Decision Dated 16.03.2022

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA
NITIN CHAVAN
Date: 2022.12.07
12:07:40 +0530

which has direct bearing on the issue pending in the petition as also in view of affidavit-in-reply filed by MMRDA dated 29.03.2019 disclosing that Respondent No.1 has disposed of proposal by order dated 28.09.2016 and invited our attention to paragraphs 2, 7 and 8 of the application.

4. Since the petition is not yet admitted, we are inclined to allow the proposed amendment.

5. It is clarified that allowing amendment will not amount to acceptance of the contention raised in the amendment by the other side and the contentions, will be considered at the time of hearing of the petition.

6. Hence, the following order:

- (i) The application is allowed in terms of prayer clauses (a) and (b).
- (ii) Amendment to be carried out within a period of two weeks from today with simultaneously service of the amended copy on the other side.
- (iii) Interim application is disposed of. No order as to costs.

M.M.SATHAYE, J.

R.D.DHANUKA, J.