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

918 CIVIL APPLICATION NO.3056 OF 2023
IN WP/11446/2022

SHIV TULJA AND ASSOCIATES, THROUGH ITS AUTHORIZED
SHAHAJI SAMBHAJI PATIL UMREKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

....

Mr A. N. Nagargoje, Advocate for applicant;
Mr P. S. Patil, A.G.P. for respondent Nos.1 to 3
Mr R. K. Ingole, Advocate for Respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 24th March, 2023

PER COURT:

1. By this application, the Applicant/Petitioner desires to bring the subsequent events on record, more specifically, the creation of third party interest in movable and immovable assets of the Sugar Factory. This application is filed under Order VI Rule 17 of the Code of Civil Procedure.

2. The learned Advocate for the Applicant/Petitioner submits that, insofar as injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure is concerned, the said prayer Clause (C) would not be pressed in this application and a separate application would be filed for seeking injunction.

(2)

3. Insofar as the amendment is concerned, the learned Advocate for Respondent No.4 submits that, a huge amendment is sought to be carried out. It would change the nature of the cause of action. Alternatively, the Petitioner may withdraw the petition and file a fresh petition in the same cause and bring subsequent events on record.

4. Having considered the submissions as above and taking into account that subsequent events, which would have an impact on the outcome of the petition, are being placed before us, this civil application is allowed. Amendment be carried out, on or before 12/04/2023. A freshly typed amended memo of the writ petition shall be filed, on or before the same date and copies be supplied to the litigating parties.

5. In the event, the Respondents desire to file an additional affidavit-in-reply or a composite affidavit-in-reply, the same shall be done, on or before 29/04/2023.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk