

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3351 OF 2023
IN
WRIT PETITION NO.2521 OF 2023**

Vimlabai Balaso Sutar	Applicant
IN THE MATTER BETWEEN	
Dattatraya Krishnat Patil	
and another	Petitioners
Versus	
The Additional Divisional Commissioner, Pune Division, Pune and others	 Respondents

Mr. Yuvraj Narvankar, Advocate for the Applicant.
Mr. Prashant Bhavake, Advocate for the Original Petitioner in
WP/2521/2023.
Mr. P.P. Pujari, AGP, for the Respondent Nos.1, 2 & 5-State.
Mr. S.N. Kunekar, Advocate for Respondent No.4.

CORAM : SARANG V. KOTWAL, J.

DATE : 6th APRIL, 2023

P.C. :

1. This Interim Application is preferred by the original Respondent No.3 in the Writ Petition for clarification in the order dated 16.3.2023 passed by this Court. Vide that order, the notice was issued to the Respondents. The matter was adjourned to 26.6.2023 and the ad-interim relief was

granted in terms of prayer clause (c) which reads thus :

“(c) Pending the hearing and final disposal of the present Writ Petition, this Hon’ble Court be pleased to stay the impugned judgment and order dated 9-2-2023 passed by the Respondent No.1- Additional Commissioner in Appeal No.14 of 2022.”

2. Learned counsel for the original Petitioners fairly states that instead of granting ad-interim relief in terms of prayer clause (c), which in effect revives the original order passed by the Collector disqualifying the Respondent No.3, it would be in the interest of justice if only the proceedings before the Collector which are going on pursuant to the impugned order passed by the Additional Commissioner, Pune Division, Pune on 9.2.2023 are stayed instead of staying said impugned order. Learned counsel for the original Petitioners seeks leave to amend the original Petition for appropriate ad-interim relief.

3. Considering the stand taken by learned counsel for the Petitioners, leave to amend the Petition is granted. The amended prayer now reads thus :

“(c) Pending the hearing and final disposal of the present Writ Petition, this Hon’ble Court be pleased to stay further proceedings before the Respondent No.2 pursuant to impugned judgment and order dated 9-2-2023 passed by the Respondent No.1-Additional Commissioner in Appeal No.14 of 2022;”

4. Hence, the order dated 16.3.2023, now shall operate for ad-interim relief in terms of the amended prayer clause (c) of the Writ Petition. Rest of the order dated 16.3.2023 shall remain as it is and the matter be posted as directed earlier on 26.6.2023. With these observations and directions, the Interim Application is disposed of.

(SARANG V. KOTWAL, J.)