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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 618 OF 2022**

WITH

INTERIM APPLICATION NO. 17663 OF 2022

Dhanaji Vasant Patil Decd. Through LRS ... Petitioner/
Applicants

vs.

The State of Maharashtra and Ors. ... Respondents

Mr. Manoj A. Patil i/b. Mr. Jotiram R. Jadhav for
the Petitioner.

Mr. Graham Francis, Advocate for the Applicants.

Mr. R. S. Pawar, AGP for the State.

CORAM : R. D. DHANUKA &

GAURI GODSE, JJ.

DATED : 27 MARCH, 2023

P.C. :-

1. Learned counsel for the Applicant/Original Petitioner have prayed for carrying out amendment in this Writ Petition. The Applicants seek to bring additional and subsequent facts on record. Writ Petition is not yet admitted. We are inclined to allow amendment as prayed. Interim Application is made absolute in terms of prayer clause (a). Amendment to be carried out within one week from today and copy of the amended Petition shall be served to Respondents within one week from today.

2. Respondents shall be at liberty to file Affidavit in reply within three weeks from the date of Applicant carrying out amendment and supplying copies of the amended Petition upon Respondents with a copy to be served upon the Petitioner's Advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter with a copy to be served upon the Respondents' Advocate simultaneously. It is made clear that this Court has only permitted the amendment by this interim application. None of the averments, allegations or prayers in the amended portion is deemed to have been admitted by the Respondent. All contentions on factual aspects as well as merits are kept open.

3. If the Respondents threaten to take possession of the land in possession of the Petitioner, if any, 7 days clear notice shall be given to the Petitioner by the Respondent. In such an event the Petitioner would be at liberty to apply for ad-interim relief.

4. Place the matter on board on 12th June, 2023 under the caption for Admission.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)