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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO.2214 OF 2023
IN
WRIT PETITION NO.9547 OF 2014

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ANANDRAO
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Dr.Mukesh O. Agrawal ...Applicant

IN THE MATTER BETWEEN :

Dr.Mukesh O. Agrawal ...Petitioner

V/s.

Ramchandra B. Varghade & Ors. ...Respondents

Mr.P.D. Dalvi with Ms.Priya P. Dalvi for the Applicant / Petitioner.

Mr.Ashok B. Tajane for the Respondent No.1.

Mr.S.L. Babar, AGP for Respondent Nos.2 and 3 – State.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.**
DATE : 24TH JULY, 2023.

P.C. :-

1. Heard.
2. The main objection taken by learned counsel for Respondent No.1 to this Interim Application is based upon inordinate delay, which has occurred in filing of this Interim Application. According to him, the delay is of 8 years considering the fact that the Petition was filed in the year 2014 and this Interim Application has

been moved in the year 2022.

3. Learned counsel for the Petitioner invites our attention to the averments made in paragraph 4 of the Interim Application which indicate that in the opinion of the Petitioner there is no deliberate delay and according to him, the proposed amendments are the result of the inspection of the documents carried out by the Petitioner with the permission of this Court.

4. On going through the earlier order passed by this Court, we find that most of the grounds now being raised by the Petitioner appear to be something emerging after inspection of the documents taken by the Petitioner and therefore, strictly speaking this would not to be a case of inordinate delay as contended by learned counsel for Respondent No.1. Even otherwise, in a case where social status of a person is under cloud, it is better that the shadow of the cloud hanging over the social status of a person is examined for its correctness or otherwise by this Court and from this view point as well, we are of the view that the interest of justice would demand that this Interim Application is allowed.

5. As regards the other contentions of learned counsel for Respondent No.1, we are in agreement with some of them, especially relating to the proposed prayer clauses (aa) and (cc), which appear to be in the nature of earlier prayers made in the Petition. Therefore

they need not to be allowed by this Court. About some of the grounds now sought to be taken in the amendment, we are of the view that some of them may be in the nature of repetition, but they really do not affect the nature of the Petition, rather they only stand as further affirmation of the grounds earlier taken out by the Petitioner. Therefore, those grounds can be permitted to be added by way of amendment.

6. In this view of the matter, the Interim Application is partly allowed and the amendments as proposed viz. "N", "O", "P" and "Q" are permitted to be carried out to the Petition. They be carried out within two weeks from the date of the order. A copy of the Petition be served upon each of the Respondents with liberty to the Respondents to file reply to the amended Petition, if any.

7. Stand over to 21st August, 2023.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)