

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4569 OF 2018

Jadhavdas S/o Mayaram Chhablani through LR's. .Vs. The State of Maharashtra,
through Collector, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.J. Chandurkar, Advocate for the petitioners.

Shri K.L. Dharmadhikari, A.G.P. for the respondent Nos.1 and 2/State.

Shri N.P. Lambat, Advocate for the respondent No.3.

CORAM : ANIL S. KILOR, J.

DATED : 12/01/2023

1. Heard.
2. In this writ petition, the order for granting further time to carry out the amendment was refused. Amendment was permitted to be carried out by this Court vide judgment dated 13.04.2015. However, the amendment was not carried out within stipulated time and extension of time to carry out the amendment was denied by the learned Reference Court on the ground that as the time was stipulated by this Court, the Reference Court has not jurisdiction to extend the time granted by the High Court.
3. Considering the reasons recorded by this Court while granting the amendment and further considering the rights of the petitioners involved in the reference proceedings, I am of the opinion that time of two weeks should be granted to the petitioners to carry out the amendment.

4. Shri Dharmadhikari, learned A.G.P. for the respondent Nos.1 and 2/State and Shri Lambat, learned counsel for the respondent No.3 are opposing the present petition.

5. It is submitted that if the Court is inclined to grant time, in that case this Court may impose heavy costs to the petitioners.

6. Thus, considering the nature of the amendment permitted by this Court and the rights of the petitioners involved in the matter, I pass the following order:

- i) The order below Exh.70 dated 22.02.2018 is hereby quashed and set aside.
- ii) Petitioners are permitted to amend the Reference Court petition within two weeks from today subject to payment of costs of Rs.5,000/- to be paid to the High Court Legal Services Sub-Committee, Nagpur within two weeks.
- iii) It is made clear that in view of the delay caused in carrying out amendment, the respondent No.3 is at liberty to make a prayer to the learned Reference Court for not to grant interest which the Reference Court shall decide as per the law, in case the petitioners succeeds in reference.

The writ petition is **disposed of** accordingly.