

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3839 OF 2024
WITH
INTERIM APPLICATION NO.3599 OF 2024

Janta Housing Pvt. Ltd.

.... Petitioners

V/s.

State of Maharashtra, Thr. Govt. Pleader & Respondents
Ors.

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2024.08.26
10:39:53 +0530

Ms.Mansi Jain i/b Samatva Legal Associates, for the Petitioners.
Mr.J.P. Patil, AGP, for Respondent Nos.1,2,5 and 6-State.
Ms.Aarti Bhandari, for Respondent No.3.

CORAM : R.M. JOSHI, J.

DATE : 23rd AUGUST 2024

P.C:-

. This Application is for amendment to the Petition in order to bring subsequent facts on record.

2. It is contention of the learned counsel for the Petitioner that, during the pendency of the Petition the order of Deemed Conveyance came to be executed by Registrar of Conveyance in favour of the contesting Respondents. It is further submitted that, pursuant thereof mutations are taken in

the Revenue Record. It is submitted by her that, the subsequent events are material and necessary for the decision of the Petition. Hence, Application be allowed.

3. The learned counsel for the contesting Respondent has filed Affidavit-in-reply to oppose the amendment. It is contention of the learned counsel for these Respondents that the Petition has become infructuous by the registration of conveyance as well as the recording of mutation entry on the basis of such conveyance.

4. There is no dispute about the fact that, the order of Deemed Conveyance has been challenged in this Petition and during the pendency of the Petition the Conveyance came to be registered in favour of the contesting Respondents. Merely, because the conveyance is registered, right of the Petitioner to take exception the order of the Deemed Conveyance cannot be taken away.

5. As a result of this, the amendment is necessary for the decision of the Petition. Hence, allowed. Amendment to be carried out within a period of two weeks. Amended Petition be

served on the other side. The Respondents are at liberty to file reply, if any.

6. By consent of both sides, stand over to 25th September 2024.

(R.M. JOSHI, J.)