

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5817 OF 2024

Shivtej Aarogya Sanstha Through its Treasurer
Mr. Kashiram M. Sakpal

.. Petitioner

Versus

Atmaram Tukaram Bhuvad and Ors.

.. Respondents

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• Mr. Shreyash Sudhir Butala, Advocate for Petitioner.
.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 23, 2024

P.C.:

1. Heard Mr. Butala, learned Advocate for Petitioner.
2. The impugned order dated 26.02.2024 passed below Exhibit-236 in Regular Civil Suit No.95 of 2013 allows the amendment Application which is the seventh amendment application seeking declaration in respect of the suit property when the original Regular Civil Suit No.95 of 2013 has been filed for seeking injunction, possession and removal of encroachment.
3. *Prima facie*, I of the opinion that allowing such an amendment would change the nature of the suit proceedings altogether.
4. An arguable case has been made out by Mr. Butala for issuance of notice to Respondents and for immediate stay of the impugned order.

- 5.** Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of the Writ Petition and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Writ Petition on or before the next date.
- 6.** Any further proceedings in Regular Civil Suit No.95 of 2013 by virtue of the impugned order, shall be stayed.
- 7.** In the meanwhile, an endeavour shall be made to dispose of the Writ Petition on the next adjourned date at the time of admission.
- 8.** Stand over **06th May, 2024 at 02.30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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