

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10580 OF 2024
IN
WRIT PETITION NO.7707 OF 2018**

Zal Sam Cooper ...Applicant

IN THE MATTER BETWEEN:

Zal Sam Cooper ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

Mr. Rafique Dada, Senior Advocate, a/w Cyrus Ardeshir & Swapnil Gupte, i/b For Economic Laws Practice, Advocates for the Petitioner.

Mr. A.I. Patel, Addl.GP, a/w P.P. More, AGP for the State-Respondent Nos.1 to 3.

Mr. Y.S. Jahagirdar, Senior Advocate, i/b Sarang S. Aradhya, a/w Gauri Velankar & Shantanu Gurav, Advocates for Respondent No.4.

**CORAM : G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : 18 JULY, 2024

P. C.

1. We have perused the Interim Application by which prayers are made to incorporate amendments to the Writ Petition in terms of the schedule as annexed to the Interim Application.

2. The Applicant/Petitioner intends to place on record that what was pursued before the Learned District Judge, Satara was in fact an application praying for compensation and not a civil suit as averred in the Petition and so as to correct the record, the present Interim Application is filed praying for appropriate amendments.

3. In our Order dated 4th July, 2024, we had noted submissions as made on behalf of the Petitioner in regard to this

civil suit and accordingly we had called upon the learned counsel for Respondent No.4 also to keep a compilation of all the proceedings of the said suit before this Court. As the proceedings were infact of an application praying for compensation, our directions in Paragraph 4 of the earlier order no more shall operate against Respondent No.4. However, it is expected that the Petitioner shall be at liberty to place on record any other documents in relation to the proceeding before the learned District Judge, Satara.

4. Accordingly, we allow this application in terms of prayer clause (a). Necessary amendment be carried out within a period of one week from today. Amended copy of the Petition be served on the Respondents, any additional-reply-affidavit, if it intends to be filed on behalf of the Respondents to the amended petition, be placed on record within one week of the amended copy being served.

5. Interim Application is disposed of in the aforesaid terms. No costs.

6. Needless to observe that we keep open all contentions, as to be urged on behalf of the Respondents including the contention that the Petition is ought not to be entertained on account of delay and latches.

7. Petition being barred by the principles of delay and latches.

8. Place Writ Petition No.7707 of 2018 on **8th August, 2024**. High on Board.

[SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]