

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12378 OF 2024
IN
WRIT PETITION NO. 6607 OF 2024

New Shree Swami Samarth Borivade Housing ...Applicants
Company Pvt Ltd & Anr

In the matter between

New Shree Swami Samarth Borivade Housing ...Petitioners
Company Pvt Ltd & Anr

Versus

Thane Municipal Corporation & Ors ...Respondents

Mr Kunal Dwarkadas, with Karan bhide & Nilesh Tated, i/b
Mahimtura & Co, for the Applicants/Petitioners.

Mr NR Bubna, for the Respondent-Corporation.

Mr SS Patwardhan, i/b Ms Mrinal Shelar, for Respondent No. 3.

CORAM. M.S. Sonak &
Kamal Khata, JJ

DATED: 24th September 2024

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1. Heard learned Counsel for the parties.
2. This is an application seeking leave to amend Petition which is yet to be admitted. The amendment seeks to place on record

certain developments that is taken place after the institution of the Petition.

3. Learned Counsel for the Respondents state that any withdrawal of proceedings after the institution of the Petition cannot be a ground to plead on the maintainability or entertainability of the Petition.

4. The above contention will be considered at stage of admission of the Petition. Today, we are only concerned with granting the Petitioners leave to amend the Petition which is yet to be admitted.

5. Therefore by keeping all contentions and defences of the parties open, we grant the Petitioners leave to amend the Petition in terms of the schedule annexed to the Interim application.

6. Learned Counsel for the Applicants state that amendment would be carried out within a week from today and amended copy will be served upon the learned Counsel for the Respondents.

7. The Interim Application is disposed of.

(Kamal Khata, J)

(M.S. Sonak, J)