
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.2302 OF 2024
IN
WRIT PETITION(L)NO. 5347 OF 2022

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D. N. Nagar Sai Krupa Co-op Hsg Society Ltd .. Applicant

Versus

Union of India & Ors. .. Respondents

Mr. Pravin Samdani, Senior Counsel a/w Nivit Srivastava & Sneha Patil i/b. Maniar Srivastava Associates for the Petitioner No.1.

Mr. Y. R. Mishra a/w N. R. Bubana, Upendra Lokegaonkar & Shailendra Mishra for the Respondent No.1.

Mr. Ajay Khaire for Respondent Nos. 2 to 4.

Mr. Girish Utangale a/w Saurabh Utangale for Respondent No.5.

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: AUGUST 12, 2024

P. C.

1. The above Interim Application is filed seeking to amend the Writ Petition by deleting Petitioner No.2 from the cause title of the Petition and for consequential amendments.

2. When the above matter had come up on the last occasion, namely, on 7th August, 2024, we had noted the circumstances in which the name of Petitioner No.2 was sought to be deleted. We also directed the Advocate for Petitioner No.1 to serve a copy of our order dated 7th August, 2024, along with a copy of the above Interim Application, on Petitioner No.2. We had also made it clear that if none appeared on behalf of Petitioner No.2 on the next occasion, we shall proceed to hear the above Interim Application in their absence. Accordingly, the matter was adjourned to today.

3. Today when the matter is called out, Mr. Samdani, the learned Senior Counsel appearing for the Applicant/Petitioner No.1, has brought to our attention the affidavit of service dated 9th August, 2024, evidencing service of the above Interim Application as well as the order dated 7th August, 2024, not only on Petitioner No.2 but also on their erstwhile Advocates. Despite service, none have appeared on behalf of Petitioner No.2 to oppose the above Interim Application. In these circumstances, the above Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus:

“(a) That this Hon’ble Court be pleased to permit the Applicant to amend the caption Writ Petition as per schedule annexed hereto;

(b) That this Hon'ble Court be pleased to pass orders in terms of pray clause (a) above, and to permit the Petitioner to carry out all consequential amendments to the Writ Petition and dispense with the requirement to re-verification."

4. Re-verification is dispensed with. The amendments shall be carried out within a period of one week from today and the amended copy of the Writ Petition shall be served on all the Respondents immediately thereafter.

5. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

6. Place the above Writ Petition on board for ad-interim reliefs on 26th August, 2024.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]