

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 12503 OF 2024

WITH

INTERIM APPLICATION NO. 13648 OF 2024

Gramastha Mandal Kundevahal ... Petitioners
through Panchpudhari Sharad Bama
Bhoir & Ors.

Versus

The State of Maharashtra & Ors. ... Respondents

Mr R. D. Suryawanshi i/by Mr. Rakesh Patil, for Petitioner.
Mr Ritvik Joshi, for Intervenor in Interim Application.
Mr Sachhit Bhogle, 'B' Panel Counsel for the State.
Mr Bhushan Deshmukh a/w Mr. Ravleen Sabharwal, Mr. Gaurav Srivastav, Ms. Aarushi Yadav i/by RS Justicia Law Chambers for respondent nos.3 to 6.

**CORAM : M.S. Sonak &
Jitendra Jain, JJ.**

DATED : 17 APRIL 2025

PC:-

1. The intervenor has filed a praecipe for speaking to the minutes.
2. The intervenor suggests that we should include the word "been" between the words "had" and "allotted" in line 2 of paragraph 16 of our judgment and order dated 8 April 2025. He submits that the first sentence of paragraph 16 suggests that the intervenor of subject property to the

petitioners which was not the case. The first line of paragraph 16 does not suggest anything that has now been suggested by the intervenor. For the context, it is clear that the intervenor's claim was that it was allotted the property and in terms of such allotment, no further transfers were permissible accordingly, no order is necessary on the praecipe.

3. Respondent nos.3 to 6 have handed in a praecipe. The Learned counsel for respondent nos.3 to 6 once again reiterated the request for stay. Such request was made soon after pronouncement and the same was considered and rejected. Seeking the same relief by filing a praecipe for speaking to the minutes amounts to abuse of this facility.

4. This is a matter where respondent nos.3 to 6 have, based on order which we would have held to have patently without jurisdiction and vitiated due to legal mala fides received an amount of Rs. 56.26 crores. Four weeks' time is already granted to them to bring back this amount. Repeating prayer for stay despite its earlier rejection by taking out praecipe for speaking to the minutes is entirely misconceived.

5. Accordingly, this praecipe is dismissed with cost of Rs.25,000/- payable by respondent nos.3 to 6 within a week to Tata Memorial Hospital, Parel. Proof of payment should be filed by 5 May 2025 in this Court.

(Jitendra Jain, J)

(M.S. Sonak, J)