

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2443 OF 2025  
WITH  
INTERIM APPLICATION (L.) NO. 25544 OF 2025

Anil Bhimsingh Kanojia & Ors.

...Petitioners

Vs

The State of Maharashtra & Ors.

...Respondents

Mr. Dharam Sharma with Ms. Uma Sharma i/b. Dharam & Co. for Petitioner Nos.1, 2, 4, 6 to 12 & 17.

Mr. Sachin Chowdhari for Applicant

Ms. Poonam Mittal, AGP for State.

Ms. Aarushi Yadav h/f. Ms. Ravleen Sabharwal i/b. R S Justicial Law Chambers for SRA/Respondent No.4.

Mr. Shakeeb Shaikh with Mr. Noorain Patel, Ms. Vandhana Khumat and Mr. Vinay Dali i/b. Diamondwala & Co. for Respondent No.5.

Ms. Pushpa Yadav i/b. Ms. Komal Punjabi for BMC.

CORAM: G. S. KULKARNI &  
AARTI SATHE, JJ.  
DATE: 09 SEPTEMBER 2025.

P.C.

1. Writ Petition No. 2503 of 2025 be separated from this petition.
2. At the outset, we need to note that yesterday i.e. on 08 September 2025

we had passed the following order:-

“1. Insofar as Writ Petition No. 2443 of 2025 is concerned, the broad consensus as agreed between the Petitioner and Respondent No.5 is discussed in the Court today. The learned Counsel for the parties fairly stated that they would tender the consent terms and the same can be placed on record so as to dispose of the present proceedings.

2. In so far as Writ Petition No. 2503 of 2025 is concerned, the Petitioners therein, if so desires, can also communicate their consent to the Advocate for Respondent No.5 and the consent terms can be accordingly drawn.

3. List the matter tomorrow i.e. 9th September, 2025.

4. At this stage, we are informed by learned Counsel Mr. Sharma that the Petitioners are present in Court.”

3. The proceedings were to be taken up on such backdrop when Mr. Sharma learned counsel for petitioners has placed on record a letter received by him from petitioner nos.3, 5, 13, 14, 15 & 16 whereby Mr. Sharma is requested to take discharge as these petitioners intend to appoint a new advocate. Mr. Sharma states that in fact he is under quite embarrassment. Be it so, the said letter as received by Mr. Sharma from these petitioners is taken on record and marked “X” for identification. In this view of the matter, we cannot have a petition in which some of the petitioners i.e. petitioner nos. 1, 2, 4, 6 to 12 and 17 intend to settle the disputes and some of the petitioners intend to assert their legal rights.

4. In this view of the matter, we dispose of the petition as filed qua petitioner nos.3, 5, 13, 14, 15 & 16 with liberty to these petitioners to file their independent writ petitions. All contentions of these petitioners are expressly kept open.

5. Insofar as the remaining petitioners (petitioner nos.1, 2, 4, 6 to 12 & 17) are concerned, we adjourn the proceedings for tomorrow i.e. **10 September 2025 at 03.00 p.m.** for Consent Terms to be placed on record, as observed in our order dated 08 September 2025 (supra).

6. Interim Application (L.) No. 25544 of 2025 is filed praying for intervention in the present proceedings. Learned counsel for the interveners contends that the applicants/interveners are similarly positioned as the petitioners as the interveners are asserting similar legal rights and contentions as the

petitioners. The applicants accordingly pray that they be added as the petitioners. Mr. Sharma has no objection.

7. We accordingly permit that the applicants/interveners to be added as co-petitioners. Let amendment be carried out during the course of the day. Re-verification is dispensed with.

8. At this stage, Mr. Shaikh, learned counsel for respondent no.5 has prayed that a copy of the report of the Court Commissioner be provided to the parties. We accept his request. The Office is directed to do the needful.

9. The Prothonotary & Senior Master of this Court is directed to release the fees as deposited by respondent no.5 in favour of the Court Commissioner as appointed by this Court.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)