



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4825 OF 2019

(Shafiquoddin Karimoddin and others vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of direction,
and the Registrar's orders.*

Court's or Judge's order

Mr. Pushkar Deshpande, Advocate h/f. Mr.R.L.Khapre, Senior Advocate for the petitioners.

Mr. A.V.Palshikar, AGP for respondent Nos.1 and 2.

Mr. S.S.Shingne, Advocate for respondent No.3.

CORAM : ABHAY J. MANTRI, JJ.

DATE : JANUARY 07, 2025

Learned Counsel for the petitioners submitted that petitioners are not pressing the proposed amendment as stated in the application as paras 5A and 5B. But he is only seeking the prayer that petitioners be permitted to add prayer clause "**1A**" in the application as prayer clause "**1A**" in the suit/plaint, i.e. "*The defendants be kindly restrained from dispossessing the plaintiffs without following due course of law*". In response, the learned Counsel for respondents has given no objection.

2) *Moreover*, it is the settled position of the law that the respondent Authorities are bound to follow due process of law. Therefore, permitting the incorporation of the said prayer in the plaint would not affect the rights of the parties.

3) Having considered the same, in my view, it would be appropriate to dispose of the petition by permitting the petitioners to add prayer Clause "**1A**" in the plaint/suit, as it would not cause prejudice to the rights of the parties, but it would facilitate to smooth functioning of the matter.

- 4) As a result, the petition is partly allowed as follows:
- (i) The petitioners are permitted to add the proposed prayer clause "**1A**" in the amendment application as prayer clause "**1A**" in the suit/plaint.
 - (ii) The rest of the prayer in the application regarding the addition of para "*5A and 5B*" in the plaint to the petitioners is dismissed as not pressed.
 - (iii) The petition is disposed of in the above terms.
- 5) Interim relief, if any, stands vacated.
- 6) Inform the learned trial Court accordingly.

(ABHAY J. MANTRI, J.)