

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18399 of 2018****With****CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2023****In R/SPECIAL CIVIL APPLICATION NO. 18399 of 2018**

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MANJUBEN KUKABHAI DUNGRANI**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**MR NILESH M SHAH(780) for the Petitioner(s) No. 1****MR AKASH GUPTA AGP for the Respondent(s) No. 1****MS SEJAL K MANDAVIA(436) for the Respondent(s) No. 2,3****RULE SERVED for the Respondent(s) No. 1,4**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 17/04/2025****ORAL ORDER****Order in Civil Application**

1. Heard Mr.Nilesh Shah, learned advocate appearing for the applicant.

2. By way of the present application, the applicant prays for amendment in the main petition whereby, the order dated 15.06.2016, which is duly produced at Annexure-H to the petition, is sought to be challenged and the other grounds are also raised in the present application, which are permitted to be impleaded in the main petition.

3. Upon perusal of the affidavit-in-reply filed by the opponent herein, one of the grounds is that the said order dated 15.06.2016 was duly served to the applicant herein and that the amendment

after a span of 7 years is such that the same should not be allowed, more particularly, when the applicant herein was aware about the same and, therefore, the amendment be rejected.

4. A rejoinder is filed to the reply filed by the opponent herein wherein, it is submitted that the opponent no.4 has failed to produce any document on record to show that the order dated 15.06.2016 was served to the applicant. It is submitted that in the contempt petition, schedule of order dated 15.06.2016 was not placed on record and, therefore, it was not within the knowledge of the applicant herein. The said order is produced on record by the opponent no.4 herein by reply filed in the main petition at page 38. The said affidavit-in-reply was affirmed on 29.01.2022 and subsequently, the present application seeking amendment is filed.

5. Considering the contentions raised in the present civil application, the same are such that the present application is required to be allowed in the interest of justice.

6. It is open for the respondent – authority to oppose the same by filing reply, if any.

7. Accordingly, the present application is allowed.

8. List the main petition for hearing on 04.07.2025.

(VAIBHAVI D. NANAVATI,J)

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