

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11199 OF 2014

Bombay Construction & Engineering
Company Private Limited .. Petitioner

vs.
Ganesh Motilal Tandel & ors. .. Respondents

Mr. M.M. Vashi, Sr. Advocate a/w. Mr. Makarand Kale i/b M/s. M.P.
Vashi & Associates for the Petitioner.
Mr. Rahul Motkari for Respondent No.1.
Mr. Pankaj Das for Respondent Nos.7,8 and 9.
Ms Vaishali Nimbalkar, AGP for Respondent No.10.

CORAM : M. S. SONAK, J.
DATE : 14 JANUARY, 2015.

P.C. :-

1] On last occasion, the matter was adjourned by noting that there is some confusion as to whether the petitioner has indeed been impleaded as a party by carrying out amendment to the plaint.

2] Today, Mr. M.M. Vashi, learned senior advocate appearing for the petitioner submits that although the petitioner has been furnished with copy of the amended plaint, in the Trial Court record the actual amendment has not been carried out. This statement is made on the basis of instructions received by Mr. Vashi from Ms Pratibha Jadhav, advocate appearing for the petitioner before the Trial Court.

3] There is no dispute that there exists an order permitting impleadment of the petitioner as a party to the suit. In such circumstances, it is only appropriate that Ms Pratibha Jadhav, learned advocate appearing for the petitioner in the Trial Court, herself, is permitted to carry out actual amendment in the plaint. The Trial Judge to make an appropriate endorsement, once such amendment is carried out. This is of course, if the actual amendment has not already been carried out in the plaint.

4] As noted earlier, this petition has already been disposed of.

5] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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