

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1335 OF 2015
IN
REVIEW PETITION NO.4 OF 2014
IN
SECOND APPEAL NO.307 OF 2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Uday Warunjikar for the applicant

None for the respondent

CORAM : K. K. TATED, J.
DATE : AUGUST 24, 2016

P.C.:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is for correcting the name of respondent no.5 in Civil Application No.269 of 2014 in Review Petition No.4 of 2014.
- 4 The learned counsel for the applicant submits that in Trial Court the respondent filed application under Order I Rule 10 of the Code of Civil Procedure, 1908 dated 4.9.1997. In that application, they showed the name of respondent

no.5 as Samivanti Vasant Bhalsingh. He submits that on the basis of the said record, they showed the name of respondent no.5 in Civil Application No.269 of 2014 as well as in Review Petition No.4 of 2014 as Samivanti Vasant Bhalsingh. He submits that thereafter the respondents filed application under section 144 of the Code of Civil Procedure, 1908 for possession of the suit property on 12.7.2012 being Application no.8 of 2012. In that Application, the respondent showed the name of respondent no.5 as Sanjivani Vasant Bhalsingh. He submits that at that time the applicant learnt the correct name of respondent no.5. Hence, they preferred the present Civil Application.

5 Considering the submissions made by the learned counsel for the Applicant, the application dated 4.9.1997 filed by respondent below Exhibit-56 under Order I Rule 10 of the Code of Civil Procedure, 1908 in Civil Suit No.397 of 1990 and Application No.8 of 2012 dated 12.7.2012, I am satisfied that the Applicant showed the name of respondent no.5 as Samivanti Vasant Bhalsingh by mistake on the basis of application made by respondent in Trial Court. As soon as they learnt the correct name of respondent no.5 on the basis of application No.8 of 2012, they preferred the present Civil Application.

6 Hence, the applicants are entitled to carry out appropriate amendment in cause title of Civil

Application No.269 of 2014 and Review Application No.4 of 2014 to that effect. Hence, following order is passed:

- a) Applicant is permitted to carry out appropriate amendment in Civil Application No.269 of 2014 and Review Application No.4 of 2014 showing correct name of respondent no.5.
- b) Amendment be carried out within four weeks from today.
- c) Amended copy of Civil Application as well as Review Petition be served on the other side thereafter immediately.
- d) Civil application stands disposed off accordingly.

JUDGE