

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.75 OF 2016

IN

FIRST APPEAL NO.2213 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.S.M.Kazi for the applicant

CORAM : K.K.TATED, J.

DATED : 19/01/2016

PC:

- 1 Heard the learned counsel for the applicant.
- 2 The learned counsel for the applicant submits that copy of Civil Application is already served on respondents advocate. He undertakes to file affidavit of service within one week from today. Statement is accepted.
- 3 This application is for bringing on record new trustees as well as to delete the trustees who died and retired from the trust.
- 4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:
A) Civil Application is allowed in terms of prayer

clause (a) which read thus:

“(a) that the names of Appellant Nos.3 to 6 be permitted to delete from the above Appeal and the names of the Trustees shown in Exhibit “C” hereto be brought on record as Appellant Nos.3 to 6 along with Appellant Nos.1 and 2.”

B) Applicant to carry out appropriate amendment in First Appeal No.2213 of 2006 and also pending Civil Application if any within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

C) If amendment is carried out within stipulated time as stated hereinabove, applicant is directed to serve amended copy of First Appeal on respondent's advocate thereafter immediately.

D) Applicant to file affidavit of service within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

E) Civil application stands disposed off accordingly.

(K.K.TATED, J.)