

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION STAMP NO. 14756 OF 2019

**SUNIL S/O RADHAVALLABH MUNDADA
VERSUS
MAHENDRA NARAYAN KABARA AND ANOTHER**

**IN
WRIT PETITION NO.11398 OF 2018**

**MAHENDRA NARAYAN KABARA AND ANOTHER
VERSUS
THE DISTRICT DEPUTY REGISTRAR CO OPERATIVE
SOCIETIES JALGAON AND OTHERS**

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Advocate for the Applicant : Shri S. V. Dixit
Advocate for Respondent Nos. 1 and 2 : Shri A. D. Shinde
AGP for Respondent Nos. 3 and 4 : Shri N. T. Bhagat
Advocate for Respondent No. 5 : Shri P. N. Nagargoje h/f.
Shri D. B. Thoke

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 30th APRIL, 2019.

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PER COURT :

1. The applicant, by this application submits that he has been arrayed as a respondent in the pending proceedings on account of a mistaken identity. The applicant's name is Sunil Radhavallabh Mundada. The Director of the Mahesh Sahakari Bank Limited, Jalgaon, which is a liquidation, for the period of 2005-2008 is Shri Sunil Madanlal Mundada.

2. A document at page No.22 is cited which indicates that the name of the applicant is different than the concerned Director. Page No. 24 of the Civil Application indicates a photograph of Shri Sunil Mundada who is not the applicant. The written statement filed by the Directors before the District Consumer Redressal Forum at Jalgaon in Dispute Application No. 1063/2008 indicates that the Directors have mentioned that this applicant is not one Director amongst them.

3. The learned Advocate for the petitioners submits that he has arrayed the respondents in the Writ Petition as per the title clause emerging from the proceedings before the lower authorities. Respondent No. 9 is mentioned as Sunil Radhavallabh Mundada since his name was mentioned in the clause title of the respondents in the proceedings before the District Forum. He, therefore, submits that this Court may pass an appropriate order.

4. It is however undisputed by the learned Advocates that respondent No. 5 before the Jalgaon District Consumer Forum should have been Shri Sunil Madanlal Mundada. As the error

occurred in the said proceedings, the said name has been carried in the cause title in further proceedings.

5. In view of the above, this application is allowed. The name of the applicant from the array of the respondents at Sr. No. 9 in the Writ Petition stands deleted. The name of Shri Sunil s/o Madanlal Mundada and his actual address shall be mentioned by the petitioners in place of the applicant. Deletion and addition be carried out on or before 07/06/2019. After such correction/deletion is carried out, notice be issued to the newly arrayed respondent No. 9, returnable on 05/07/2019.

(RAVINDRA V. GHUGE, J.)

shp/-