

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICAITON NO. 13233 OF 2018
SECOND APPEAL NO. 162 OF 2007

Alka Ramakant Pirangute & Ors. ...Applicants

Versus

Vijay Gurulingappa Lohakare ...Respondent

.....

Ms. S. G. Chincholkar, Advocate for Applicants.

Mr. V. S. Bedre, Advocate for Respondent.

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30-01-2019.

ORAL ORDER :

01. Present application has been filed to add certain parties i.e. 3 in number in view of order which was already passed by this Court on 27.2.2015. It is stated that due to inadvertence though the application was allowed, the necessary amendment remained to be carried out.

02. The application has been strongly opposed by the respondents stating that the learned Advocate for the applicants was present when the order was passed. Thereafter, also other applications were also preferred. There is negligence on the part of the applicants to carry out the necessary amendment.

03. It is to be noted that the added parties are stated to be the subsequent purchasers. Under such circumstance, they are the necessary parties and therefore, by order dated 27.2.2015 the application was allowed. No doubt, there is delay in carrying out that amendment and mere inadvertence can not be the complete satisfaction or reasonable ground. However, still the amendment was to be carried out by the Advocate for some inaction on the part of the Advocate the parties should not suffer and therefore, the application deserves to be allowed, however, subject to cost which should be paid by the learned Advocate for the applicant. Hence, the application is allowed subject to deposit of cost of Rs. 500/- within one week from the date of this Order i.e. upto 6.2.2019. The amendment in view of order passed by this Court on 27.2.2015 be carried out within one week after the deposit of the amount i.e. upto 13.2.2019. Civil application stands disposed of. After the amendment is carried out issue notice to the added respondents returnable after 2 weeks thereafter i.e. 27.2.2019.

[SMT. VIBHA KANKANWADI]

JUDGE

Dahibhate/-