

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1731 OF 2019

Persipina Developers Private Limited ...Petitioner
vs.
Aslam Ismail Merchant ...Respondent

Mr. Ravitej Chilumari I/b. Khaitan & Co., for the Petitioner.
Mr. Deep Morbia I/b. Z.S. Ansari & Associates, for the Respondent.

CORAM : M. S. SONAK, J.

DATE : JUNE 26, 2019
(IN CHAMBER)

P.C.:

- . Speaking to the minutes.
2. Heard learned counsel for the parties.
3. In the order dated 23rd April, 2019 in paragraph 2, line No. 2 replace date "October 31, 2018" with date "**January 31, 2017**". So also substitute paragraph 3 with the following paragraph:

3. According to me, the issue as to whether the petitioner should be impleaded as a respondent to the appeal or not mainly concerns the appellant in the appeal. Accordingly, it is necessary that this application is decided on its own merits and in accordance with law, as expeditiously as possible without waiting for the main appeal to be ready for arguments. On one hand the appellant has not yet served all the respondents in the appeal after it was transferred to the Alibaug Court in the year 2016 and on the other hand, the appellant opposes even the consideration of the petitioner's application seeking impleadment. This is not something which the learned Appeal Court should have permitted.

4. In paragraph 4 in life No. 4 replace the date “October 31, 2018” with date “**January 31, 2017**”.
5. In paragraph 6 in line No. 2 replace figure “2016” with the figure “**2001**”.
6. The aforesaid correction to be carried out in the original order as well as order uploaded on the web site.
7. The praecipe to the speaking to the minutes is disposed of accordingly.

(M. S. SONAK, J.)