

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

**CIVIL APPLICATION NO.3303 OF 2018
IN
FIRST APPEAL NO.892 OF 2019**

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

Mr.S.S.Redekar for the Applicant

Mr.Vishal S Khanavkar for the Appellant

**CORAM : K. K. TATED, J
DATE : AUGUST 22, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Respondent no.2 is seeking direction to delete his name from the cause title of First Appeal on the ground that Applicant already relinquished his right, title and interest in respect of the present proceeding in favour of appellant.

3 In support of this contention, the learned

counsel for the Applicant relies on relevant documents dated 13.5.2010 page 10 duly registered with the Registry. He further submits that even before the Reference Court, they filed affidavit to that effect. He submits that in view of these facts, appellant may be directed to delete name of Respondent no.2 from the cause title of First Appeal and pending Civil Application, if any.

4 On the other hand, the learned counsel for the Applicant submits that they have no objection for allowing the present Civil Application in terms of prayer clause (a).

5 Heard both the sides at length.

6 During the course of argument, the learned counsel for the appellant submits that he is not pressing Civil Application in terms of prayer clause (b) which reads thus:

“(b) The name of the Applicant as Claimant No.3 in LAR 356 of 2000 be deleted from the array of Claimants in LAR 356 of 2000 and amendment to that effect be allowed to be carried out accordingly.”

7 The learned counsel for the appellant submits that appellant may be directed to take appropriate steps before the Reference Court

according to law. Statement is accepted.

8 Applicant already executed relinquished right in favour of appellant by document dated 13.5.2010. Therefore, in any case, he is not interested in the present proceeding.

9 Considering these facts, and the consent given by the advocate for the appellant, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) The name of the Applicant as Respondent No.2 be deleted from the array of Respondents in First Appeal (St.) 27412 of 2017 and amendment to that effect be allowed to be carried out accordingly.”

B. Applicant to carry out appropriate amendment in First Appeal memo and provide amended copy to the other side immediately thereafter.

C Amendment be carried out on or before 21.9.2019.

D Civil Application stands disposed of accordingly.

E No order as to costs.

(K.K.TATED, J.)

