

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

**CIVIL APPLICATION NO.3315 OF 2015
IN
FIRST APPEAL NO.133 OF 1997**

Anant Ganpat Chindarkar & Ors. ..Applicants
V/s.
Ashok Balaji Kharade .. Respondent

Mr.R.S. Datar for the Applicants.

Mr.J.M. Mulik for the Respondent.

CORAM : K.K. TATED, J.

DATE : 30th JULY 2019

P.C.

1. Heard learned counsel for parties.
2. Advocate Mr.Datar for the applicants submits that by this Civil Application, applicant is seeking to transpose the appellant No.1(a), 1(c) and 1(d) as party respondent Nos.5,6 and 7 in First Appeal No.133 of 1997.
3. Considering the submissions made by the learned counsel for the applicants, and averments made in the Civil Application, I am satisfied that applicants have made out case for allowing the Civil Application. Hence, following order.

ORDER

(i) Application is allowed in terms of prayer clause

(a) which reads thus :-

“(a) that Appellants Nos.1(a), 1(c) and 1(d) be transposed as party Respondents 5, 6 and 7 respectively to the above First Appeal.”

(ii) Applicants to carry out amendment in First Appeal No.133 of 1997 on or before 31st August 2019 failing which the Civil Application shall stand dismissed without referring back to the Court.

If the amendment is carried out within stipulated time as stated herein above, the Registry is directed to issue notice to the added respondent in First Appeal No.133 of 1997, returnable after 12 weeks.

(iii) In addition to the usual mode of service applicants are directed to serve the amended copy of First Appeal to the other side and file an affidavit of service on or before 30th September 2019.

(iv) Civil Application stand disposed of accordingly.

(v) No order as to costs.

(K.K. TATED, J.)