

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12284 OF 2021

FAHMIDA ANSARI MOHD SIRAJUDIN
ANSARI AND OTHERS

VERSUS

STATE BANK OF INDIA

Advocate for Applicant : Mr P.N. Sonpethkar
Advocate for Respondent sole : Mr A.D. Gade

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 16th DECEMBER, 2021

PER COURT :

1. Mr Gade, learned counsel for the respondent seeks leave to correct the number of Civil Application. Leave granted.
2. It is an application moved by the applicants seeking permission to carry out the amendment in respect of name of applicant No.1.
3. Heard Mr Sonpethkar, learned counsel for the applicants and Mr A.D. Gade, learned counsel for the respondent-bank. Perused the affidavit-in-reply filed by respondent-bank whereby the respondent has opposed to allow this application.
4. It is revealed during the course of argument that applicant No.1 is now remarried with one Basarat Ahmed Khaja. Applicant No. 3 is now became major and now she is also married. Now the name of applicant No. 1 is Fahmida Bano w/o Basarat Ahmed Khaja.

5. Mr Gade, learned counsel for the respondent-bank opposed to allow this application on the ground that there is absolutely no supporting evidence on record to show that applicant No. 1 is now remarried and she is wife of Basarat Ahmed Khaja. As such, this prayer for amendment in the name of applicant No.1 needs to be turned down. It cannot be overlooked that applicant No.1 has sworn the affidavit to that effect making statement that she is now wife of Basarat Ahmed Khaja. As such, there is no difficulty in allowing the application so as to change the name of applicant No.1 as Fahmida Bano wife of Basarat Ahmed Khaja. The appellant/ bank to take necessary steps to carry out the amendment.

6. While allowing the delay condonation application, this Court was pleased to impose costs of Rs. 15,000/- on appellant/bank and accordingly, the appellant/Bank has deposited the costs with the Registry. Now the applicants are seeking withdrawal of that amount. That prayer needs to be allowed regarding withdrawal of amount of costs.

7. Having regard to the above reasons, the application stands allowed in terms of prayer clause (B) to (D).

8. The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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