

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.256 OF 2022
IN
SECOND APPEAL NO.64 OF 2018

LAXMI ANANT NAIK
(SINCE DECEASED)
REPRESENTED BY LRS
I.E. APPELLANT NOS. 2
TO 7)

... APPLICANTS

Versus

SAI DEVELOPERS, THR.
ITS PROP., RAJEEV K.
SHIRODKAR AND 6 ORS.

... RESPONDENTS

Mr. A.D. Bhobe, Advocate for the Applicants.

Mr. Amey Kakodkar, Advocate for Respondent Nos.1 to 6.

**Mr. Nikhil D. Pai holding for Mr. Vivek Rodrigues, Advocate
for Respondent No.7.**

Appellant Nos.2,3,4(a), 4(b),4(c), 5, 6 & 7 present in person.

CORAM: PRASANNA B. VARALE, J.

DATE : 16th SEPTEMBER 2022

P.C. :

1. Amendment application was filed for substitution of respondent nos.1 to 7 with a new respondent 'Manas Landmarks LLP, a Limited Liability Partnership Firm, registered under LLP Act, 2008' as party respondent on record in the present matter.

Prayer clause 'b' is the consequential amendment sought for in the cause title.

2. Vide order dated 25.08.2022, notice was issued to respondent no.7. The application was registered before this Court on 22.08.2022.

3. Learned Counsel Mr. Kakodkar appeared for respondent nos.1 to 6. Notice was issued to respondent no.7 making the same returnable on 15.09.2022. In response to the notice, affidavit in reply filed on behalf of respondent no.7, Smt. Shilpa Naik alias Shilpa Pramod Kanolkar, wife of Pramod Kanolkar. The affidavit is duly verified on 10.09.2022. Para 2 of the affidavit reads thus:

“2. I state that I am aware that I am party Respondent No.7 in the present Second Appeal and it was on my instructions that I was transposed as a party Respondent rather than an Appellant at the time of the filing of the present Second Appeal as I did not want to be a party to the present Second Appeal. I state that I have no objection to my deletion as a party respondent in the present Second Appeal as sought in the present application.”

4. Then, it is further stated in para 3 as under:

“I state that I am making this statement out of my free will and the present statement is not made under duress or coercion.”

5. Accordingly, the application is allowed in terms of prayer clauses 'a' & 'b' and disposed of. Amendment to be carried out during the course of the day.

PRASANNA B. VARALE, J.

NITI K
HALDANKAR

Digitally signed by NITI K
HALDANKAR
Date: 2022.09.16 12:55:02
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