

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION 854 OF 2018
IN
WRIT PETITION 9697 OF 2012

Vishal M. Sachdev

..Applicant

In the matter between:

Shri. Abhay Shantilal Shah and Anr.

.. Petitioners

V/s.

Shri. Padmakar Kanhu Gaikar and Ors.

..Respondents

Mr. Idris Vohra for the Applicant.

Mr. Bhushan Walimbe for the Petitioners.

Ms. Latika Kakad i/b Rohit Joshi for Respondent 1 and 2.

CORAM : ROHIT B. DEO, J.

DATE : 9 JUNE 2022

P.C.

1. This application is preferred on behalf of Respondent 3B seeking deletion of Respondent 3A and 3B from the array of Respondents.

2. Original Defendant 3 Manohar Sachdev who was impleaded in the suit for specific performance on the premise that

he acted as constituted attorney on behalf of the Defendant 1 Padmakar Kanhu Gaikar, has expired.

3. Insofar as Respondent 3A is concerned, his inclusion is an obvious error since 3A is the deceased Manohar Sachdev. Insofar as Respondent 3B Mr. Vishal Sachdev is concerned, in my considered view, assuming that his father acted as power of attorney in the suit transaction and he represented Defendant 1, there is no logical reason why the presence of the son of the power of attorney is necessary, either as necessary or proper party in the litigation.

4. The application is therefore, allowed in terms of prayer clause (b), after condoning the delay.

5. The Petitioner shall carryout the requisite amendment within a week.

(ROHIT B. DEO, J.)