

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5616 OF 2021

Sukhanand Vasudeo Dikey .. Petitioner
Versus
Akhil Deshashtha Rigwedi
Brahman Madhyawarti Mandal
Mumbai and ors .. Respondents

...

Mr. R.V. Sankpal for the petitioner.
Mr.R.M. Haridas for the respondents.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 6th JANUARY, 2022

P.C:-

1 By this Petition, the sole defendant is aggrieved by the order dated 17th August 2021, vide which the trial Court has allowed Exhibit-89 filed by the plaintiffs' Trust to substitute the trustees whose tenures have concluded by those trustees who have been elected and are presently representing the Trust.

2 The defendant contends that the entire clock of the litigation would be turned back since the evidence of the defendant has concluded and the matter is now at the stage of advancing final arguments by the litigating parties.

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3 I find that the submissions of the defendant are wholly misconceived. The Trust desires to bring the incumbent trustees on record in order to avoid any further complications or leave any deficiencies. The trial Court has allowed Exhibit-89 permitting the plaintiff Trust to substitute those Trustees these terms are over so as to bring the incumbent trustees on record in the Suit. This being a pure formality only to keep the records straight and to avoid further complications, the trial Court has passed a well reasoned order which can neither be termed as being perverse or erroneous. I do not find that the clock, in the Suit filed in 2015, would be reversed by permitting the incumbent trustees to be mentioned in the array of plaintiffs.

4 This Petition being devoid of merit, is therefore, dismissed.

RAVINDRA V. GHUGE, J