

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

**INTERIM APPLICATION NO. 20496 OF 2022
IN
FIRST APPEAL (ST.) NO. 15324 OF 2022**

Kirti Raj Sawant & Anr. ... Applicants/
Appellants
Versus

Hemlata B. Sawant (since
deceased) through LRs & Ors. ... Respondents

Ms. Usha Tiwari a/w Manshi Jain for the Applicants/Appellants.
Ms. Jacinta D'Silva i/b J.M. D'Silva for the Respondents.

CORAM : R.I. CHAGLA, J.

DATED : 20th DECEMBER, 2022.

ORDER :

1 By this Interim Application the Applicant is seeking permission to amend the First Appeal and the proceedings as per the schedule annexed to the Interim Application for bringing the legal heirs of the deceased Respondent No.1 on record and to correct the name of Respondent No.2.

2 The Applicant states that the Respondent No.1 expired on 06.10.2022 leaving behind the Applicant No.2 and Respondent Nos.2 and

3 as her only surviving legal heirs and Representatives as per the Hindu Succession Act, 1956. Applicant No.2 is the grandson of the Original Respondent No.1 and Respondent Nos.2 and 3 are the sons of Original Respondent No.1. Respondent No.2 is Defendant No.2 in the above Suit. Due to typographical error the name of Respondent No.2 i.e. Vilas B. Sawant, in the cause title of the above Suit was typed as Vishal B. Sawant and which error was carried in the judgment and decree dated 30.04.2022 which is impugned in the First Appeal. This typographical error came to notice of the Applicants as stated by them only on 06.10.2022 during the perusing of the Consent Terms dated 04.10.2022 filed in the First Appeal. On the Applicant's application, the City Civil Court, Mumbai had passed order dated 10.10.2022 which is borne out by the Roznama wherein the name of the Respondent No.2 is to be read as Vilas B. Sawant in place of Vishal B. Sawant in cause title of the plaint, judgment and decree. Accordingly, the present Interim Application has been filed for carrying out necessary amendment as per schedule to the Interim Application.

3 There is no objection to the relief sought for in the Interim Application being granted. Hence, the following order is passed :

- i) The Applicants are permitted to carry out amendment in the First Appeal and the proceedings in accordance with schedule annexed to the Interim Application for bringing the legal heirs of the deceased Respondent No.1 on record and correcting the name of Respondent No.2.
- ii) The amendment shall be carried out forthwith.
- iii) Re-verification is dispensed with.
- iv) Interim Application is accordingly disposed of.

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(R.I. CHAGLA, J.)