

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

**INTERIM APPLICATION NO. 3554 OF 2022
IN
SECOND APPEAL NO. 112 OF 2004
ALONGWITH
INTERIM APPLICATION NO. 17591 OF 2022
(NOT ON BOARD. TAKEN ON BOARD)**

Rangnath Kashinath Hire ...Applicant
vs.
Pundlik Dagdu Holgade and Ors. ...Respondents

Sandeep Barve, Vijay Hamare i/by B. K. Barve and Co. - Advocate for the
Applicant and Respondent Nos. 1 to 6
None for the Appellant

CORAM : S. M. MODAK, J.

DATE : 22nd AUGUST 2022

P. C. :-

INTERIM APPLICATION NO. 17591 OF 2022

1. Not on board. Taken on board. Heard.
2. In the Interim Application No. 3554 of 2022, there is prayer to delete the name of the Respondent No. 2(G) – Nisha by adding the name of her Husband Sachin Bhaskar Mokal. Notice was also issued on that application. Even the Applicant has filed service affidavit. But now Interim Application No. 17591 of 2022 is preferred thereby mentioning that in fact name of the husband of Nisha Mokal is not Sachin Bhaskar Mokal but

it is Sachin Dashrath Mokal. Hence Interim Application No. 17591 of 2022 is allowed in terms of prayer clause 'A'. Necessary amendment be carried out within 14 days. This is allowed as there was some typographical error in describing the name as mentioned in para no. 2 of the application.

3. Today, no one is present on behalf of the Appellant and this interim applications are filed by Respondent No. 3. Now it is submitted that the Respondent No. 3 has served learned Advocate for the Appellant. Affidavit to that effect is taken on record.

4. In fact this exercise ought to have been done on behalf of the Appellant but they have not done it.

5. Read the prayer clause 'A'. For the reasons stated in the para nos. 2 and 3 of the application, Interim Application No. 3554 of 2022 is allowed in terms of prayer clauses "a" and "b".

6. The Appellant is directed to carry out the amendment in the memo of Appeal. The Respondent No. 3 is directed to serve the copy of this Order on the Appellant through his counsel.

7. Second Appeal No. 112 of 2004 is kept on 26/09/2022 for 'Direction'.

[S. M. MODAK, J.]