

Ghuge

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

FIRST APPEAL NO.857 OF 2012

Fulvantibai Chhaganraj Rathod and Anr ... Appellants

V/s.

Shantinath Darshan Co-operative
Housing Society Ltd and Ors ... Respondents

**WITH
INTERIM APPLICATION NO.977 OF 2023
IN
FIRST APPEAL NO.857 OF 2012**

Fulvantibai Chhaganraj Rathod and Anr ... Applicants

V/s.

Shantinath Darshan Co-operative
Housing Society Ltd and Anr ... Respondents

**WITH
INTERIM APPLICATION NO.3182 OF 2020
IN
FIRST APPEAL NO.857 OF 2012**

Shantinath Darshan Co-operative
Housing Society Ltd and Anr ... Applicants

V/s.

Fulvantibai Chhaganraj Rathod and Anr ... Respondents

**WITH
CIVIL APPLICATION NO.3467 OF 2013
WITH
CIVIL APPLICATION NO.2078 OF 2012
IN
FIRST APPEAL NO.857 OF 2012**

Fulvantibai Chhaganraj Rathod and Anr ... Applicants

V/s.

Shantinath Darshan Co-operative
Housing Society Ltd and Anr ... Respondents

Mr. Joel D'souza a/w Ivor Peter D'cruz and Miss. Sejal Raval for plaintiff in F.A. No.857/2012 and applicant in IA No.977/2023.

Mr. Shamrao B. Gore for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 7, 2023

P.C.:

INTERIM APPLICATION NO.977 OF 2023

1. The applicant has filed present Interim Application seeking permission to amend grounds in the First Appeal thus being First Appeal open up the facts and law the appellant is entitled to raise all grounds either on facts or law.
2. The appellant is also entitled to raise the ground on the stage of hearing.
3. The Interim Application is, therefore, allowed in terms of prayer clause (a).
4. Amendment to be carried out within Four (4) weeks from today.
5. List the First Appeal on **21st February, 2023.**

(AMIT BORKAR, J.)