

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.875 OF 2019
IN
SUIT NO. 1965 OF 2012**

UTKARSH
KAKASAHEB
BHALERAO

Digitally signed by
UTKARSH KAKASAHEB
BHALERAO
Date: 2023.06.15
10:51:54 +0530

Yusuf J. Dayatar

..Applicant/Orig.Plaintiff

Versus

Balkrishna W. Kulkarni & Anr
M/s.Rishabh Construction

..Defendants
..Respondent
(Proposed Defendant No.3)

Mr.Himanshu Kode, *Advocates for the Applicant.*

Mr.S. C. Pal, *Advocates for the Respondent.*

CORAM : B. P. COLABAWALLA, J
DATE : JUNE 14, 2023

P.C.

The above Interim Application is filed seeking the following reliefs:-

- “(a) That this Hon’ble Court be pleased to condone the delay (if any) in filing the present Application.
- (b) That this Hon’ble Court be pleased to allow the Applicant (Original Plaintiff) to amend the Plaint to add the Respondent as a party Defendant no.3 in the present Suit.
- (c) That this Hon’ble Court be pleased to allow the Applicant/Original Plaintiff to amend the plaint as per Schedule annexed hereunder.”

2 The learned counsel appearing on behalf of the Respondent and who is proposed to be added as Defendant No.3,

has fairly stated that the Respondent has no objection if it is joined as Defendant No.3. In these circumstances, it is ordered that the Respondent to the Interim Application shall be joined as party Defendant No.3 in the cause title of the Plaint. The amendment shall be carried out within a period of one week from today and the amended copy of the Plaint shall be served on the newly added Defendant immediately thereafter.

3 The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

4 The parties have informed me that in principle, they have settled their disputes and they have therefore requested that the above Suit be placed on Board on 17th July, 2023 under the caption “for settlement”.

5 It is accordingly ordered that the above Suit shall be placed on Board “for settlement” on 17th July, 2023.

6 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act

on production by fax or email of a digitally signed copy of this order.

[B. P. COLABAWALLA, J].