

K.S. Jadhav

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

INTERIM APPLICATION NO.1255 OF 2019

IN

COMMERCIAL SUIT NO.245 OF 2022

Shabbir Ahmed Hassen Karolia

**...Applicant/
Original Plaintiff No.1**

In the matter between :

Shabbir Ahmed Hassen Karolia & Ors.,

...Plaintiffs

Versus

M/s Richa Infrastructures & Ors.,

**...Respondents/
Defendants**

Mr. Harihar Bhavé a/w Ms. Rupa Bhavé and Ms. Divya Menon i/b
Bhavé & Co., Advocates for Applicant/Original Plaintiff No.1.

Mr. Nikhil Mishra, Advocate for Respondents/Defendants.

CORAM : R.I. CHAGLA J.

DATE : 29TH MARCH, 2023.

ORDER :

1. By this Interim Application, the Applicant/Original Plaintiff No.1 has sought permission to carry out amendment as per Schedule annexed to the Interim Application.

2. The Applicant has stated that order dated 15th March, 2013

was passed by the Charity Commissioner and pursuant to it, the Applicant tried to execute the Sale Deed for the Flats mentioned in the said order dated 15th March, 2013. The Respondents have not come forward to execute the Sale Deed and accordingly the Applicant had addressed legal Notice on 23rd April, 2016. Thereafter, the Application before the Charity Commissioner had been allowed by order on 25th April, 2019. This was required to be mentioned in the present Suit in view of the permission granted by the Charity Commissioner to file the present Suit and which certified copy of the said order was received after filing of the present Commercial Suit on 4th July, 2019.

3. There is no objection to the relief sought for in the Interim Application.

4. Accordingly, the relief sought for in the Interim Application is granted considering the nature of the amendment as well which is to bring on record the application and order of the Charity Commissioner for filing the present Suit. Hence, the following order is passed :

(i) The Applicant/Plaintiff is directed to carry out the

amendment in accordance with the Schedule annexed to the Interim Application.

(ii) The amendment shall be carried out within a period of two weeks from the date of this order.

(iii) Re-verification is dispensed with.

(iv) Interim Application is accordingly disposed of.

[R.I. CHAGLA J.]