

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

**INTERIM APPLICATION NO.426 OF 2023
IN
COMMERCIAL SUMMARY SUIT NO.1254 OF 2018**

**Mahindra Sanyo Special Steel Pvt. Ltd. : Applicant/Plaintiff
versus**

Prem Industries (a Partnership Firm) & ors. : Defendants.

Mr. Abdullah Ubharay i/by Ms. Kavita M pawar for the Applicant/Plaintiff.

Mr. Chintan Shah for Defendant Nos.1 to 3.

CORAM : ARIF S. DOCTOR, J.

DATE : 15th FEBRUARY 2023

P.C. :

1. The present Interim Application seeks amendment so as to change the name of Plaintiff No.1 in the cause title.

2. The Application sets out that on 23rd June 2022 the name of Plaintiff Company was changed to Sanyo Special Steel Manufacturing India Private Limited. It is thus that the present Interim Application has been filed to effect this change.

3. Learned Counsel for the Defendant Nos.1 to 3, though does not seek to file a reply to the present Interim Application, points out that the Application has been filed belatedly without any explanation as to why there has been delay of six months from the date on which the name of the Company has been changed.

4. I have heard Learned Counsel for the parties and perused the copy of the said Interim Application. I find that the contention of the Defendants in respect of delay in filing the Application, in the facts of the present case, is untenable. The amendment that is sought to be carried out is formal in nature, and if allowed, no prejudice would be caused to the Defendant. The delay if any is neither consequential nor such nature so as to deny the relief sought for by the Applicant/Plaintiff.

5. In view thereof, Interim Application is allowed in terms of prayer clause (a) which reads as under :-

“(a) That the Petitioner/Applicant be allowed to amend the petition as per the schedule annexed with the Application.”

6. Amendment to be carried out within a period of two weeks from today.
7. Interim Application is accordingly disposed of.

(ARIF S. DOCTOR, J.)