

Sharayu Khot.

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

INTERIM APPLICATION NO. 210 OF 2023

IN

COMMERCIAL EXECUTION APPLICATION NO. 196 OF 2020

The Cosmos Co-operative Bank Ltd.

...Applicant/
Claimant

Versus

Martol Petroproducts Private Limited & Ors.

...Respondents

Mr. Jayant Gaikwad for the Applicant.

CORAM : R.I. CHAGLA J

DATE : 9 February 2023

ORDER :

1. By this Interim Application, the Applicant is seeking permission to amend column 'A' and 'T' of the Execution Application as per schedule I annexed to the Interim Application along with consequential amendment in the Commercial Execution Application. Condonation of delay in filing of Interim Application has also been sought.

2. The learned Counsel appearing for the Applicant states that the name of Respondent No. 4 is required to be changed to 'Sajid Kazi' instead of 'Sajid Khan' in the Commercial Execution Application, in view of the name being incorrectly mentioned as Sajid Khan in the Arbitral Award though in the Arbitration Case before the Arbitral Tribunal the correct name has been reflected. He has accordingly, submitted that column 'A' and 'I' in the Execution Application is accordingly, required to be corrected.

3. I have considered the submissions as well as taken note of the fact that there is a typographical error in the name of Respondent No. 4 which should be 'Sajid Kazi'. In the Arbitral Award dated 9th January 2008 the name was wrongly shown as 'Sajid Khan'. Accordingly, the amendment which is sought for by the Applicant is required to be allowed.

4. Accordingly, following order is passed.:-

- (i) The delay of 13 months for filing the present Interim Application is condoned.

- (ii) The Applicant is permitted to amend column 'A' and 'I' of the Execution Application as per schedule I to the Interim Application and consequential amendments in the Commercial Execution Application.
- (iii) Amendment shall be carried out within a period of three weeks from the date of this order.
- (iv) Upon amendment being carried out, a fresh notice shall be issued under Order XXI Rule 22 of the Code of Civil Procedure, 1908 to the Respondent No. 4.
- (v) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]