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

INTERIM APPLICATION NO. 17118 OF 2023
IN
MISCELLANEOUS CIVIL APPLICATION NO. 52 OF 2021

Hamid Narendra DabholkarApplicant

Versus

Sanatan SansthaRespondent

WITH
INTERIM APPLICATION NO. 17115 OF 2023
IN
MISCELLANEOUS CIVIL APPLICATION NO. 90 OF 2021
WITH
INTERIM APPLICATION NO. 17113 OF 2023
IN
MISCELLANEOUS CIVIL APPLICATION NO. 124 OF 2021

Nikhil WagaleApplicant

Versus

Sanatan SansthaRespondent

WITH
INTERIM APPLICATION NO. 17114 OF 2023
IN
MISCELLANEOUS CIVIL APPLICATION NO. 106 OF 2021

Alka DhupkarApplicant

Versus

Sanatan Sanstha A Public

Charitable TrustRespondent

WITH
INTERIM APPLICATION NO. 17116 OF 2023
IN
MISCELLANEOUS CIVIL APPLICATION NO. 89 OF 2021

Nikhil Wagale

....Applicant

Versus

Sanatan Sanstha A Public

Charitable Trust

....Respondent

Mr. Abhay Nevagi a/w Amit Singh i/b Abhay Nevagi & Associates, Advocate for the Applicant in MCA/52/2021, MCA/89/2021, MCA/90/2021 & MCA/124/2021.

Mr. Sandesh Shukla a/w Mr. Vivek Patil i/b Vivek Patil & Associates, Advocate for the Applicant in MCA/106/2021.

Mr. Rajendra V. Pai Senior Counsel a/w Ms. Siddhi Bhosale a/w Adv. Shanmukh Puranik, Advocate for the Respondent No.1.

Ms. Sarika Shetye i/b Adv. Sachindra Shetye, Advocate for the Respondent Nos.2 & 3 in MCA/90/2021, MCA/124/2021, MCA/106/2021 & Advocate for the Respondent No.3 in MCA/89/2021.

Adv. Apurva Mahadik i/b Adv. P. M. Jadhav a/w Adv. S. B. Shetye, Advocate for the Respondent Nos.3 & 4 in MCA/52/2021.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL, 2024.

P.C. :

1. By these Applications, the Applicants are praying for amendment in their respective Applications.

2. The issue involved in all these Applications is same, hence, I am deciding all these Applications by this common order.

3. Learned counsel for the all Applicants submitted that Applicants have filed Applications for transfer of Special Civil Suit pending before the Civil Judge, Senior Division, Ponda to any Civil

Judge, Senior Division, Court in State of Maharashtra as Applicants have threat to their life. Learned counsel further submitted that the security has been provided to some of the Applicants by Government of Maharashtra due to life threat. Applicants wants to produce and to bring to notice these facts before this Court in support of their transfer Applications. These facts have not been mentioned in their respective transfer Applications, hence, Applicants be permitted to carry out amendment as per schedule 'A' in the Applications and, requested to allow the Applications.

4. Learned counsel for the Respondent No.1 strongly objected to allow the amendments in the Applications on the ground that the proposed amendment is not relevant to the transfer Applications. Learned counsel further submitted that it would amount to fill up lacuna in the Applications. The proposed amendment would not be relevant to decide the transfer Applications, These Applications have been filed only to prolong the matter. Hence, requested to reject the Applications.

5. I have heard all learned counsel. By way of these present Applications, Applicants are seeking amendment in their Applications. They want to mention the facts in support of their Applications before this Court. I have gone through the schedule of proposed amendment,

para 2 of the schedule is not relevant hence, I am not considering para 2 of the schedule of amendment. Rest of the schedule of amendment can be added in the Applications. Allowing the amendment would not change the nature of transfer Applications. After amendment, Respondents can file their reply to it.

6. In view of above, I pass following order.

ORDER

- i. Applications are allowed.
- ii. Applicants to carry out amendment in their respective Applications within one week except para relating to Mr. Dilip Lode editor of the Pudhari i.e. para 2 of the Schedule 'A' after amendment.
- iii. The Applicants shall serve the copies of amended Applications to the Respondents. After service, the Respondents shall file reply within two weeks.

. All applications stand disposed of.

(SHIVKUMAR DIGE, J.)