

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8641 OF 2024

Asim Ibrahim Rais

.. Petitioner

Versus

Abdul Bari Imamuddin Kharbe

.. Respondent

.....

- Mr. Kishor Patil a/w. Mr. Amol P. Mhatre and Mr. Sameer Mhatre, Advocates for Petitioner.
- Respondent No.4/1-Sirach Sufiyan Mulla, Respondent No.4/2-Mubin M. Amin Thote and Respondent No.5-Akthari Wahgid Handi present in Court.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 21, 2024

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Respondent Nos.4/1, 4/2 and 5 present in Court.

2. Mr. Patil has drawn my attention to the praecipe dated 14.06.2024 which was heard by Court on 18.06.2024 and circulation was granted for today in view of the exigency mentioned therein. He would next draw my attention to the order dated 09.05.2024 passed by this Court, *inter alia*, issuing notice to the parties i.e. Respondents and also granting ad-interim relief in terms of prayer clause (b). He would submit that Writ Petition (Stamp) No.14308 of 2024 was filed in a great hurry and inadvertently the name of the Writ Petitioner as stated in the copy of the Writ Petition / cause title of the Writ Petition is incorrect.

3. He has drawn my attention to the verification clause of the Writ Petition and would submit that the correct name of the Writ Petitioner is 'Mukim Ibrahim Rais'. He would submit that due to sheer inadvertence, the cause title incorrectly mentions his name as 'Asim Ibrahim Rais'. He would submit, in that view of the matter, the praecipe is moved for seeking correction in view of the *bonafide* mistake not on the part of the Petitioner but on the part of the Advocate for Petitioner.

4. I have perused the praecipe and the reasons stated therein appear to be genuine and a *bonafide* mistake which has occurred needs to be corrected. In that view of the matter, the Writ Petitioner is permitted to amend the Writ Petition and amend the name in accordance with the correct name as 'Mukim Ibrahim Rais' at all places including the cause title as stated in the Petition. Such amendment shall be carried out forthwith in terms of today's order.

5. Mr. Patil would next submit that in view of the said amendment being permitted to be carried out, the order dated 09.05.2024 may also be amended to the extent of the name rather the correct name of the Writ Petitioner as stated in that order. Hence the order dated 09.05.2024 shall also stand amended accordingly. The name of the Petitioner shown as 'Asim Ibrahim Rais' in the order dated 09.05.2024 shall stand corrected with the correct

name as 'Mukim Ibrahim Rais'. Mr. Patil would also contend that Respondent Nos.1, 2, 4/1, 4/2 and 5 are the only five contesting Respondents who have taken out the Application in the execution proceedings before the Trial Court and hence he would request the Court to amend paragraph No.11 to the extent that notices be issued to the aforesaid five Respondents only. In view of the submissions made by Mr. Patil in order dated 09.05.2024 in so far as paragraph No.11 shall stand amended to that effect and notices are now issued only to Respondent Nos.1, 2, 4/1, 4/2 and 5 accordingly. Sentence No.1 in paragraph No.11 shall now stand corrected accordingly and corrected copy of order dated 09.05.2024 be uploaded.

6. With the above directions, praecipe is disposed.

7. List the Writ Petition on **05th July, 2024**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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