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

**INTERIM APPLICATION NO.6915 OF 2024
(for amendment)**

IN

FIRST APPEAL NO.801 OF 2023

UTKARSH
KAKASAHEB
BHALERAO

Smt.Manjula Nihalchand Jain & Ors.

.. Applicants
(Org Appellants)

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In the matter between:-

Smt.Manjula Nihalchand Jain & Ors.

.. Appellants
(Org Defendant Nos.1 to 9)

Versus

M/s.Tiruma Sheetal Chaya Developers & Anr.

.. Respondents
(Org Plaintiff)

**Mr.Girish Gobdole, Senior Advocate a/w Yuvraj singh,
Sabeena Mahadik, Advocates for the Appellant/Applicant.**

**Mr.A.Y. Sakhare, Senior Advocate i/b Rohan Mirpury,
Advocates for Respondents.**

**CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : SEPTEMBER 25, 2024**

P. C.

1. Leave to amend prayer clause (a) of Interim Application No.6915 of 2024 by substituting the words “**IA No.1619 of 2023**” with the words “**IA No.14252 of 2023**”. The amendment to be carried out forthwith in front of the Associate. Re-verification is dispensed with.

2. The above Interim Application is filed to allow the Applicants to delete the averment “*of which an amount of Rs.60,00,000/- (Rupees Sixty Lakhs Only) were already paid by the Respondent to the Appellants herein.*” from paragraph 4 of Interim Application No.14252 of 2023. Since there were mistakes in the Synopsis attached to the Appeal, leave is also sought to replace and substitute the same with the correct version of the Synopsis, and which is annexed at **Exhibit- ‘A’** to the Interim Application.

3. Mr.Godbole, the learned senior counsel appearing on behalf of the Applicant submitted that the averments referred to above made in paragraph 4 of Interim Application No.14252 of 2023 is clearly an inadvertent mistake. He therefore sought leave to delete the said averments from paragraph 4 of Interim Application No.14252 of 2023.

4. Mr.Sakhare, the learned senior counsel appearing on behalf of the Respondent, without prejudice to his rights and contentions, did not oppose the grant of the amendments sought in the above Interim Application

5. Considering the fair stand taken by Mr.Sakhare the above Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus:-

“(a) This Hon’ble Court be pleased to allow the Applicants to delete the averment being “of which an amount of Rs.60,00,000/- (Rupees Sixty Lakhs only) were already paid by the Respondent to the Appellants herein.” from para no.4 @ Page 7 of IA No.14252 of 2023;

*(b) This Hon’ble Court be pleased to allow the Applicants to remove the Synopsis originally filed with the Appeal and replace/substitute the same with correct version of the Synopsis (annexed as **Exhibit “A”**).”*

6. The amendment shall be carried out within a period of 1 week from today and the amended copy of the Interim Application as well as the Appeal shall be served on the advocates for the Respondent immediately thereafter.

7. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

8. We place Interim Application No.14252 of 2023 for “ad-interim relief” on 9th October 2024 along with First Appeal No.801 of 2023 “for admission”.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]