

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

INTERIM APPLICATION NO.853 OF 2024

IN

SUIT NO.539 OF 2023

Bhanumati Harichandra Patil & Ors. ... Applicants

In the matter between

Bhanumati Harichandra Patil & Ors. ... Plaintiffs

V/s.

The Narli Agripada Co-operative Housing
Society Ltd. & Ors. ... Defendants

And

1. Prasad Harichandra Mali ... Proposed Plaintiff No.2

2. Motiram Kamlakar Gaikar ... Proposed Defendant

Mr. Prathmesh Seth i/by Joseph Fernandes for the Applicants.

Mr. Yash Kataria i/by S. Mahomedbhai & Company for Defendant Nos.1, 2, 3
and 6.

Ms. Dhruti Kapadia for Respondent-SRA.

Mr. Aziz Mohd. for Defendant No.7.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH JULY 2024

P.C. :

1. This is an Application for amendment to the Suit.

2. There is no opposition to the Application by the Respondents.

3. The amendments, that are sought for, are formal in nature, inasmuch as it seeks deletion of Plaintiff No.2 since Plaintiff No.2 has passed away on 28th December 2023 and in his place and stead seek to implead one Prasad Harichandra Mali as Plaintiff No.2. It also seeks to delete the name of Defendant No.4, who was stated to be the Secretary of the Society in question and in his place and stead, addition of one Motiram Kamlakar Gaikar.

4. Given that there is no opposition to the Application and the amendments are formal in nature, I am inclined to allow the present Application. Thus, the Interim Application is allowed in terms of prayer clauses (a), (b) and (c), which read as under :-

“a. Delay if any, be condoned;

b. The name of Plaintiff No.2 be deleted and the Proposed Plaintiff be brought on record;

c. The name of the Defendant No.4 be deleted and Mr. Motiram Kamlakar Gaikar, be substituted in place and stead of Defendant No.4;”

5. Amendments to be carried out within a period of two weeks from today. Re-verification is dispensed with.

6. Interim Application is thus disposed of accordingly.

(ARIF S. DOCTOR, J.)