

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13807 OF 2024

IN

SECOND APPEAL NO. 484 OF 2018

Alcon

.. Applicant

In The Matter Between

Prith Pal Singh Bharara

.. Appellant

Versus

Macchindra Chandrakant Kamthe & Ors.

.. Respondents

.....

- Mr. Yogesh Patil, Advocate for Appellant
- Ms. Simran Raut i/by Ms. Vrushali Maindad, Advocate for Defendant Nos. 1 and 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 8, 2025

P. C.:

1. Heard.

2. Present Interim Application is filed for bringing on record legal heir rather substitution of the name of partner who would defend on behalf of Respondent No. 5 - a registered partnership firm called Alcon.

3. Perusal of title of the Second Appeal shows that Respondent No. 5 was being prosecuted through its partner Mr. Jagdishprasad Tilakchand Agarwal. Application is filed on the basis that Jagdishprasad T. Agarwal expired on 29.07.2021. Copy of death certificate is appended to the Application. Also appended to the

Application is the amended Partnership Deed of Respondent No. 5 partnership firm called Alcon. Perusal of Partnership Deed shows that after demise of Jagdishprasad T. Agarwal, he ceased to be partner w.e.f. 29.07.2021 and his capital standing to his credit has been decided to be repaid by the firm to his legal heirs. The firm is continued by other partners of the partnership firm namely Sachin J. Agarwal, Vivek S. Agarwal, Vipul S. Agarwal & Rajesh J. Agarwal who are partners of the firm. In that view of the matter and in view of the averments made in the Application, there can be no impediment in allowing the Interim Application in terms of prayer clause 7A.

4. Name of Jagdishprasad T. Agarwal mentioned below Respondent No. 5 in the Second Appeal is directed to be deleted and in place thereof the names of existing partners of M/s. Alcon i.e. Sachin J. Agarwal, Vivek S. Agarwal, Vipul S. Agarwal & Rajesh J. Agarwal is directed to be impleaded. Delay of 2 years 332 days in filing the Application stands condoned in the facts and circumstances of the case. Abatement, if any, is set aside.

5. Amendment is directed to be carried out forthwith. Re-verification stands dispensed with. Copy of the amended Second Appeal is directed to be served on Respondents.

6. Interim Application is allowed and disposed.

7. Place the Second Appeal on board as per its turn.

Amberkar

[MILIND N. JADHAV, J.]

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AMBERKAR

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by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.09.08
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