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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 222 OF 2025
WITH
INTERIM APPLICATION NO. 3753 OF 2025**

Salim Hasansab Inamdar ... Appellant/Applicant

vs.

Salim Nabiso Sayyed ... Respondent

Mr. Gauresh Khandalekar a/w. Mr. Shivram Gawade i/b. Mr. Ujwal
R. Agandsurve for Appellant.

Mr. Ashok B. Tajane a/w. Mr. Balaji P. Shinde for Respondent.

CORAM : GAURI GODSE, J.

DATED : 7th APRIL 2025

ORDER:

1. Heard learned counsel for the parties. The second appeal raises the following substantial questions of law:

I) In view of the application filed by the plaintiff at Exhibit-28 in the appeal, whether the plaintiff was entitled to amend the suit for adding the original owner as a party defendant and seek specific performance against the original owner, in as much as, it was only after the suit was decreed, that the plaintiff learnt that the defendant has acted as Power

of Attorney holder of the original owner?

II) In view of the affidavit filed by the proposed defendant nos. 2 to 4 at Exhibit-35, whether the first appellate court ought to have considered granting leave to amend the plaint and remand the matter to the trial court?

2. In view of the application at Exhibit-28, read with affidavit filed by the proposed defendants at Exhibit-35, the applicant is permitted to amend the appeal to add the proposed defendant nos. 2 to 4 as party respondents in this second appeal. The appellant is challenging the rejection of his application at Exhibit-28. Hence, the proposed defendants would be necessary parties to the appeal. The appellant is permitted to amend the appeal memo to add the proposed defendants as party respondents and also amend the appeal memo to challenge the order passed below Exhibit-28.

2. Amendment to be carried out within three weeks.

3. List the second appeal on 5th May 2025. To be listed High on Board under the caption for 'admission'.

(GAURI GODSE, J.)