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A.No.5993 of 2025
in
E.P No.75 of 2018

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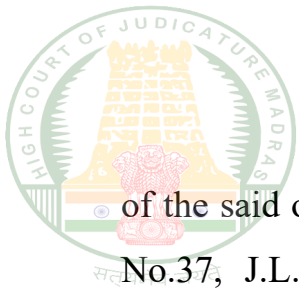
08.06.2026

ORDER

1. This is an application filed by the applicant/deGREE holder to amend the prayer in A.No.3208 of 2024.

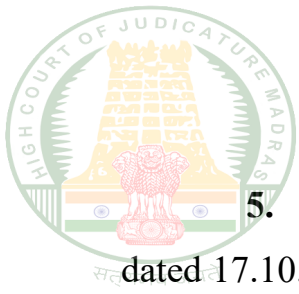
2. Heard both side counsels. The learned counsel for the applicant/deGREE holder submitted that they have filed the above E.P seeking to arrest and commit the respondent to civil prison for his failure to satisfy the award dated 25.06.2000 pending execution petition the applicant filed an application in A.No.3208 of 2024 to amend the cause title of the application on account of amalgamation of its company with another company M/s.Russell Credit Limited which was allowed by this court on 17.10.2025. Only after that when the applicant took steps to carry out the amendment as ordered by this court, it came to their knowledge that the address of the applicant's company was wrongly mentioned as No.817 Tulsiani Chambers, Nariman Point, Mumbai-400021 and so now they have taken out this application to amend the prayer in A.No.3208 of 2024 to "BFIL FINANCE LIMITED", Eucharistic Congress Building, No.1, 4th Floor, 5th Convent Street, Colaba, Mumbai 400 039 (formerly known as ITC, Badrachalam Finance and Investments Limited) and since amalgamated with Russell Credit Limited instead of BFIL FINANCE LIMITED (formerly known as ITC, Badrachalam Finance and Investments Limited) No.817 Tulsiani Chambers, Nariman Point, Mumbai 400 021.

3. The respondent having received notice filed their counter raising objection that the application in A.No.3208 of 2024 having been allowed on 17.10.2025, the effect



of the said order resulted in the amendment of the cause title as Russell Credit Limited, No.37, J.L.Nehru Road, Kolkata 700 007, West Bengal and therefore no further application can be entertained to amend again in the name of BFIL Finance Limited, Eucharistic Congress Building, No.1, 4th Floor, Convent Street, Colaba, Mumbai 400 039 (formerly known as ITC, Badrachalam Finance & Investments Limited and since amalgamated with Russell Credit Limited). The Order passed by this court in A.No.3208 of 2024 not only amended the name of the company but also allowed the amendment with address. If that address has to be again amended the question would be whether the earlier order with respect to the address unless it is modified can as such be ignored or it should be eschewed. Further, it is contended that from the affidavit filed by the applicant in support of the application that BFIL FINANCE LIMITED which is the decree holder in the above E.P was amalgamated with Russell Credit Limited in pursuance of the Order dated 04.05.2016 passed in Company Scheme petition No.132/2016 by the Hon'ble Bombay High Court and so after 04.05.2016 onwards M/s.BFIL FINANCE LIMITED is not under existence and therefore, very filing of the execution petition by non-existing company itself is a nullity. Moreover, A.No.3208 of 2024 was opposed by this respondent was pointed out that the said application was not maintainable under Master's summon, is barred by limitation, the original application having been filed in the name of a dead company which goes into the root of the matter and an amendment cannot be allowed to circumvent the limitation. But the said submissions were not considered by this court in proper perspective and so respondent has preferred an appeal before Hon'ble High Court which is yet to be taken on file. Under these circumstances, the present application filed by the applicant once again to amend the prayer in A.No.3208 of 2024 is not maintainable.

4. Now, the point for consideration is whether this application is to be allowed or not?



5. It is seen on perusal of records that by earlier Order in A.No.3208 of 2024 dated 17.10.2025 this court had already permitted amendment of the company name and address. The present application is only confined to correction of the address of the very same company on the ground that an inadvertent typographical error had crept into the earlier amendment application. The prayer in this application is not seeking to introduction of a new party nor alteration of the nature of the proceedings.

6. It is well settled law that procedural laws are intended to advance the ends of justice and not to defeat it. The court possess ample power u/s 151 & 152 of C.P.C to permit correction of clerical or accidental mistakes so as to avoid multiplicity of proceedings. Correction of misdescription or address, when the identity of the party remains the same is ordinarily permissible.

7. The only objection made by the respondent is that the earlier application was already allowed and disposed of and so the present application to amend cannot be entertained in the facts of the present case, as the petitioner is not seeking review of the earlier order but only rectification of an accidental error that had crept in the previous amendment application which was already permitted by this court. In view of the above, this court is of considered opinion that no prejudice will be caused to the respondent by allowing this application. The other contention raised by the respondent that he has preferred an appeal against the order in A.No.3208 of 2024 dated 17.10.2025 which is yet to be taken on file is not acceptable for the reason till date, the respondent has not furnished the appeal number or has produced any stay order against the order passed by this court in A.No.3208 of 2024.

Accordingly, this application is allowed in the interest of justice and to avoid multiplicity of proceeding. No cost.



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