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IN THE COURT OF SMALL CAUSES, AT MUMBAI

Exh.44

IN

R.A.D. Suit No. 2136 of 2008

Abdul Kayum M. Shaikh & Ors.

.... Plaintiffs.

Versus

Haji Ismail Haji Allana Cutchi
Memon Charity Trust & Ors.

.... Defendants.

Coram :Smt. S. N. Morwale
Judge, C.R. No. 22
Dt.: 11/9/2017

ORDER BELOW EXH:-

1. Plaintiffs have made this application for amendment of plaint. Plaintiffs submitted that they have brought name of defendant No.22 on record by amending the plaint. However, through oversight prayer clause of plaint is not amended by adding word defendant No.22. Hence, plaintiffs prayed that they be permitted to amend the plaint by adding name of defendant No.22 in prayer clause.

2. Plaintiffs submitted that this amendment is necessary

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otherwise decree passed against defendant No.22 will not be binding on him. Hence, plaintiffs prayed that they be permitted to amend the plaint.

3. Defendants filed reply to this application at Exh. 47 and 49. Defendants strongly opposed this application.

4. I have heard learned counsel for both the parties.

5. I consider that this amendment is arising out of clerical mistake and through oversight. However, this application is filed at belated stage. Hence, I allow this application subject to costs. Therefore, I pass this order.

ORDER

1. This application is hereby allowed subject to costs of Rs. 400/- to be deposited in Legal Aid.

2. Plaintiffs shall carry out amendment within 15 days after deposit of costs in Legal Aid.

Mumbai
Dt.: 11th September, 2017

(S. N. Morwale)
Judge, C.R. No.22

Order dictated on – 11/9/2017
Order transcribed on - 11/9/2017
Order printed & signed on - 11/9/2017

(S. N. Morwale)
Judge, C.R. No.22