

Order passed below Exh. 36 in Regular Civil Appeal No.41/2017
(CNR No.MHS No.40002822017)
(Swapnil Pandurang Sutar Vs. Appaso Ravji Sutar)

Appellant has filed application at Exh.36 for amendment in the memo of appeal and contended that technically appellant ought to have filed two separate appeals against the common judgment and order, however, inadvertently the appellant has filed this one appeal and therefore, appellant wants to file separate appeal against the judgment and order in Regular Civil Suit No.333/2012 and therefore, the appellant has sought certain amendment in the appeal memo.

2. Respondent has filed reply to the application (Exh.36) at Exh.39 and strongly opposed the application (Exh.36) and stated that as per law, this application is not maintainable. This application is filed with an intention to harass the respondent.

3. Heard both learned advocates. In fact, appellant ought to have filed two separate appeals against the common judgment and order as the decrees are prepared separately. Appellant has admitted that two separate appeals ought to have been filed against the common judgment and order, as the decrees are passed separately and therefore, as the appellant wants to file separate appeal against the judgment and order in Regular Civil Suit No.333/2012. The amendment sought is of technical nature and no prejudice would cause to the respondents if this application for amendment is allowed. I therefore in the

interest of justice, I am inclined to allow the application and proceed to pass the following order:

Order

1. Application Exh.36 is allowed.
2. Appellant is permitted to carry out the amendment as sought vide application (Exh.36). Appellant to carry out the amendment immediately.
3. Appellant to file amended memo of appeal.

Islampur
05-12-2018.

Sd/-xxx
(Shekhar C. Munghate)
District Judge-1, Islampur.

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