

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.4718 OF 2012**  
**IN**  
**FIRST APPEAL NO.1554 OF 2004**

Vaishali d/o. Baburao Shinde

..Applicant

Vs

Union of India,

Through General Manager,

Central Railways, Mumbai.

..Respondent

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Mr.P.S.Agrawal, advocate for applicant.

Mr.M.N.Navandar, advocate for respondent.

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**CORAM : R.M.BORDE, J.**

**DATE : APRIL 30, 2012**

P.C.:

This is an application by the appellant in First Appeal No.1554 of 2004 seeking leave to correct the name of the defendant as Union of India, through General Manager, South-Central Railways, Secunderabad in place of Union of India, through General Manager, Central Railways, Mumbai.

2] It is contended that the title of defendant, as appearing in the record of the trial Court, is Union of India represented by South-Central Railways, Secunderabad whereas, inadvertently, while tendering appeal, title of defendant is mentioned as Union of India, through General Manager, Central Railway, Mumbai. Appeal was admitted in the year 2004 and the same was listed for final disposal in 2011 and was actually decided on 14<sup>th</sup> June, 2011. Mr.Navandar caused appearance for the defendant and defended the appeal. The appeal has been decided on its own merits.

3] It is not in dispute that Mr.Navandar appears for Central Railways as well as South-Central Railways and he also admits that the mistake is inadvertent and does not affect decision rendered on merits. The mistake that has occurred in describing title of defendant, is inadvertent and, in the facts and circumstances of the case, is condonable. Change in the title of the defendant is not likely to affect merits of the controversy.

4] In this view of the matter, application tendered by the applicant deserves to be allowed and the same is, accordingly, allowed in

terms of prayer clause (B). Title of the defendant appearing in judgment as well as record of First Appeal No.1554 of 2004 shall be corrected accordingly and corrected writ be issued.

**[R.M.BORDE, J.]**

kbp/

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.13162 OF 2011**  
**IN**  
**REVIEW APPLICATION [STAMP] NO.26179 OF 2011**  
**IN**  
**FIRST APPEAL NO.1554 OF 2004**

Union of India,  
Through its General Manager,  
Central Railway, C.S.T., Mumbai

..Applicant

Vs

Vaishali d/o. Baburao Shinde

..Respondent

--

Mr.M.N.Navandar, advocate for applicant.

Mr.P.S.Agrawal, advocate for respondent.

--

**CORAM : R.M.BORDE, J.**

**DATE : APRIL 30, 2012**

P.C.:

Heard Mr.M.N.Navandar, learned counsel for applicant and  
Mr.P.S.Agrawal, learned counsel for respondent.

2] For the reasons stated in the application, the application deserves to be allowed and delay of 83 days occurred in presenting Review Application deserves to be condoned.

3] Civil Application is, therefore, allowed in terms of prayer clause (B).

**[R.M.BORDE, J.]**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**REVIEW APPLICATION [STAMP] NO.26179 OF 2011  
IN  
FIRST APPEAL NO.1554 OF 2004**

Union of India,  
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Central Railway, C.S.T., Mumbai

..Applicant

Vs

Vaishali d/o. Baburao Shinde

..Respondent

--

Mr.M.N.Navandar, advocate for applicant.

Mr.P.S.Agrawal, advocate for respondent.

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**CORAM : R.M.BORDE, J.**

**DATE : APRIL 30, 2012**

P.C.:

In view of the order passed in Civil Application No.4718 of 2012 presented by the respondent, instant Review Application does not deserve consideration. Review Application stands disposed of.

**[R.M.BORDE, J.]**