

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO. 338 OF 2013
IN
SUIT NO. 245 OF 2013**

Sai Prasad Properties & Anr. .. Applicants

In the matter of :

Sai Prasad Properties & Anr. .. Plaintiffs

Vs.

Pal News Media Pvt. Ltd. & Ors. .. Defendants

Mr.Tanna Maulik Kirti for applicants/plaintiffs.

Ms.Aparna Devkar i/b M/s. M.P. Vashi & Associates for defendant nos.1 & 2.

**CORAM : K.R.SHRIRAM, J.
DATE : 2ND MARCH, 2015**

P.C.

1 The chamber summons is for leave to amend the plaint as per the schedule annexed to the chamber summons. Though the chamber summons was served upon the defendants, no reply has been filed by the defendants.

2 The suit is basically for defamation. It is stated in the affidavit in support that the entire exercise of drawing up and filing of the plaint had to be done within two days and the plaintiffs came to know of the defamatory material being flashed onto the news channel of the defendants on 20th

November 2012. The exercise of giving instructions to the advocates regarding drawing up of the plaint and having the same lodged and move for interim relief was done in great urgency and hence certain material facts which had to be mentioned in the plaint and documentary evidence and materials which had to be introduced with the plaint were missed out.

3 It is stated that the omission was not intentional nor made with any intention to suppress any material fact or document. It is also stated that all the materials which are being introduced today by this chamber summons were already referred to in the affidavit in rejoinder to the reply that was filed by defendant nos.1 and 2 to the notice of motion which the plaintiffs had taken out for interim relief. It is, therefore, submitted that no prejudice will be caused to the defendants if the amendment is allowed.

4 By this amendment, no fresh reliefs are being sought. The plaintiffs are only elaborating on the allegations of defamation. The proposed amendment also does not constitutionally and fundamentally change the nature and character of the case. The defendants have also not filed the written statement as on date.

5 In the circumstances, no prejudice will cause to the defendants if the chamber summons is allowed to amend the plaint. The chamber summons is allowed in terms of prayer clause (a).

6 The plaintiffs to amend the plaint and serve a copy of the amended plaint upon the defendants within three weeks from today. The defendants to file their written statement within four weeks from the date of service of the amended plaint. The plaintiffs to pay a sum of Rs.10,000/- as costs to the advocate of defendant nos.1 and 2 and the same to be paid by way of cheque drawn in favour of advocate for defendant nos.1 and 2 within three weeks from today.

(K.R. SHRIRAM, J.)