

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISIDCTION

NOTICE OF MOTION NO. 3119 OF 2011

IN

CHAMBER SUMMONS NO 152 OF 2010

IN

SUMMARY SUIT NO. 6969 OF 1999

Haria Export Ltd. . : Plaintiffs
versus
Bank of Tokyo-Mitsubishi and others. : Defendants.

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Mr. Avinash D. Kango for plaintiff.

Mr. Roop M. Vasudeo for Defendant.

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CORAM : K. R. SHRIRAM, J.**DATE : 29th July, 2015.****P.C.:**

1. Though this Notice of Motion is not listed today, the Counsel for the Plaintiff and the defendant requested that the same may be taken up for hearing and disposal.

2. This Notice of Motion is to recall an order dated 27th September, 2011 dismissing the Chamber Summons for default. Restore the Chamber summons and pass appropriate orders in this Chamber Summons.

3. The Chamber summons bearing No 152 of 2010 that came to be dismissed for default was taken out by the plaintiff for leave to amend cause title as per schedule annexed thereto to reflect the change in the name of Defendant No.1 from Bank of Tokyo, Mitbushi Limited to Bank of Tokyo UFG Ltd. The Counsel for the Defendant No.1 states that there has in fact been change of name of Defendant No.1. A copy of the notification issued by Reserve Bank of India on 26th December 2015 is also annexed to the affidavit in support of the Chamber Summons.

4. For reasons mentioned in the affidavit in support of the Notice of Motion and in view of the fact that Counsel for Defendant No 1 has no objection, the Notice of motion allowed in terms of Prayer Clause (a).

5. Chamber summons bearing No 152 of 2010 is restored to file.

Chamber Summons No 152 of 2010

6. Counsel for plaintiff and defendant requested that this Chamber Summons be also heard and disposed.

7. In view of what is stated above and in view of no objection given by counsel for defendant No 1 and reasons mentioned in affidavit in support of the Chamber summons, the Chamber Summons is allowed in terms of Prayer Clause (a). The

plaint to be amended only to reflect Clause (1) mentioned in schedule (1) annexed to the Chamber Summons. Amendment to be carried out to the plaint, memorandum of address, list of documents and written statement and a copy of the amended cause title of the plaint to be served upon the advocate for defendant No.1 within one week from today. Re-verification is dispensed.

(K. R. SHRIRAM, J.)