

vat

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

APPEAL (L) No. 292 OF 2015
IN
CHAMBER SUMMONS No. 924 OF 2014
IN
SUIT No. 3762 OF 2002

K.Raheja Corporation Pvt. Ltd. ...Appellant
Vs.
Maharashtra Tourism Development
Corporation Ltd. ...Respondent

Mr.Pradeep Sancheti, Senior Counsel a/w. Ms. S.G. Vedpathak i/b.
Maneksha & Sethna for Appellant
Mr.S.P. Bharti for Respondent

CORAM : V. M. KANADE &
REVATI MOHITE DERE, JJ.

DATE : NOVEMBER 30, 2015

P.C. :

1. The grievance of the Appellant/Original Plaintiff is that in view of the specific averment made in the written statement that the Defendant was ready and willing to perform the agreement and is still ready and willing to perform the agreement, the Plaintiff is only seeking a consequential amendment in the plaint and also seeking an amendment in the reliefs claimed by the Plaintiff.

2. In our view, it is not necessary to amend the plaint for that purpose and it is always open for the Plaintiff to take out an appropriate

application, seeking a decree on admission at the trial in view of the said pleadings made in the written statement. Reserving the right of the Plaintiff to do so, the appeal is disposed of. It is clarified that the contentions raised by both the parties are kept opened.

Sd/-
[REVATI MOHITE DERE, J.]

Sd/-
[V. M. KANADE, J.]